

# **LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET**

Tuesday, December 13, 2022  
5:00 p.m.



**Mayor Carol C. Pritchett**  
**Mayor Pro Tem David DiOrio**  
**Commissioner Patrick Bryant**  
**Commissioner Scott Doster**  
**Commissioner Jim Proctor**

# TOWN OF LAKE LURE

## Town Council Regular Meeting

Tuesday, December 13, 2022 - 5:00 PM

Lake Lure Municipal Center



---

## Agenda

### I. Call to Order

### II. Agenda Adoption

### III. Mayor's Communications

### IV. Town Manager's Communications

### V. Council Liaison Reports and Comments

### VI. Presentations

#### A. Advisory Board Presentations

### VII. Public Comment

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, [ostewman@townoflakelure.com](mailto:ostewman@townoflakelure.com), at least one hour prior to the meeting.*

### VIII. Consent Agenda

#### A. Approval of the November 8, 2022 Regular Town Council Meeting Minutes and the November 30, 2022 Special Town Council Work Session Meeting Minutes – **page 27**

#### B. Adoption of 2023 Town Council Meeting Schedule – **page 56**

*Town Council reviewed the proposed 2023 meeting schedule at the November work session. Council will hold regular meetings the second Tuesday of each month at 5:00 p.m. Work sessions will be held the 4<sup>th</sup> Wednesday of each month at 8:30 a.m., excluding November and December due to holiday conflicts. The schedule also includes a Town Council planning retreat on January 11<sup>th</sup>.*

#### C. Adoption of Fiscal Year 2023-2024 Budget Calendar – **page 58**

*Town Council reviewed and discussed the FY 2023-2024 Budget Calendar at the November work session. The purpose of the Budget Calendar is to ensure that Town leaders have a clear timeline to follow in order successfully craft and adopt the FY 2023-2024 budget.*

- D. Adoption of Resolution No. 22-12-13 Water Resources Development Grant – **page 60**

*The Town is applying for a North Carolina Division of Water Resources (DWR) Development Grant to assist with funding the completion of Morse Park Master Plan Phase I. Resolution No. 22-12-13 details the Town's intents and responsibilities in regard to the DWR Development Grant.*

- E. Approval of Division of Water Resources Development Grant No Conflict of Interest Certification – **page 62**

*The No Conflict of Interest form ensures that there are no existing conflicts of interest for any employees, contractors, subcontractors, designees or other entities or individuals involved in the Morse Park Plan Phase I project. This form will be included in the Town's application submittal for the DWR Development Grant.*

- F. Adoption of Ordinance No. 22-12-13 Amending the Town of Lake Lure Code of Ordinances, Chapter 30 ("Traffic and Vehicles"), Article III ("Parking Violations: Enforcement"), Section 30-62 ("Parking and use of Electric Vehicle Charging Stations") and Section 30-63 ("Penalty") – **page 64**

*Ordinance No. 22-12-13 clarifies that parking violations be treated as civil citations. Town Council reviewed the Ordinance, which was drafted by the Town Attorney and Police Chief, at the November work session.*

## **IX. Unfinished Business**

- A. Belt Press Discussion – **page 68**

## **X. New Business**

- A. Hearing: Request to Appeal Denial of Lake Structure Variance Request #202203 – **page 72**
- B. Duke Energy Easement (Parcel #1649620) – **page 93**
- C. Drawdown Preparation Work – **page 98**
- i. Jay Freeman
  - ii. Barge #2
- D. Designation of the Legislative Goals Biennium Voting Delegate – **page 99**

## **XI. Closed Session**

*In accordance with G.S. 143-318.11(a) (3) for attorney client privilege or legal claims.*

## **XII. Adjournment**

**III**  
**MAYOR'S**  
**COMMUNICATIONS**

**IV**  
**TOWN MANAGER'S**  
**COMMUNICATIONS**



## Town Manager Report November 2022

Below are the November highlights from the various departments. Full department reports are available upon request.

**Public Services** – The Public Service Department is busy keeping everything working as smoothly as possible, from normal maintenance, to any problems the Town has that is in our realm to fix. Efforts are being made to upgrade the SCATA system and fix all of the mechanical issues in the Lift Station to ensure better operation. We will get the equipment ready for trimming tree canopies in town in December. Top accomplishments/project updates:

- Full round of blowing leaves off the Town roads completed as of the 23<sup>rd</sup> of November.
- Ditch and culvert cleaning is now at 100%.
- All remaining mechanical issues with the pumps at the lift station were addressed and corrected.

**Community Development** – Director Williams reports another active month for community development. The department issued 33 permits compared to 32 in October and performed numerous follow ups. This includes 10 zoning permits. Enforcement activity was increased in November, in part due to the department’s increased understanding of its responsibilities as a “local program” for the State in permitting, inspecting and enforcing erosion and sedimentation and land disturbance projects. We have been reviewing applications for our new Administrative Assistant position and beginning to schedule interviews. Cell tower project is moving again with an agreement reached with the State Historic Preservation Office (SHPO) to “mitigate” the impact of a tower by collaborating with the Friends of the Flowering Bridge to confirm their willingness to work together on getting the information on their website to “expand and update their website to reflect the comprehensive history of the bridge”, and the consulting firm working for AT&T’s construction company on permitting. Top accomplishments/project updates:

- Text amendment developed with Zoning & Planning and approved by Council for an expansion of our Mobile Food Vendors ordinance has been well received. Also text amendment to Zoning code necessary for Rumbling Bald Resort to complete a large project involving entrance change and relocated guardhouse.
- Conducted training session for Board of Adjustments/Lake Structure Advisory Board on handling variance requests and determining defensible hardship for justifying issuing a variance. This can be a difficult concept for boards to work with and involves some significant changes in the way boards consider variance requests. (We had 12 variance requests in past 12 months, 10 approved.)

- Rick and I attended a workshop at NC State presented by NC Dept of Environmental Quality – Land Quality Section, especially related to our role as a “local program” for the State in handling land disturbance projects. Main takeaway was that we have got to increase our inspections and compliance enforcement.

**Fire / Emergency Management** – With going into the fall, it was still a busy month in November. The department responded to 36 fire/medical/rescue calls throughout the month. Additionally, members of the department completed a total of 272 hours of training in November. Top three accomplishments:

- Performed the inspection on the Fire Boat.
- Responded to a sinking boat call near the Lodge.
- Completed a search for an overdue hiker.

**Police** – While our call volume was normal for a November, the severity of calls exceeded itself. We had many calls for domestics, fights, subjects with weapons, intoxicated subjects and drug charges. The majority of these calls were from visitors to the area.

Officers were able to take advantage of continued education as well as all officers have now participated in the yearly Firearms Qualifications, where our own Chief of Police Sean Humphries was awarded Top Gun for the highest score overall.

Two officers recently completed their General Instructor’s School. This will allow them to teach others and assist with instruction in training of “rookies”.

Top three accomplishments in November:

- The department uses a RMS (Southern Software) to enter all calls into. This month we were able to transverse to the NIBRS (National Incident-Based Reporting System). Using this coded system will allow our statistics to be reported nationally through the FBI Uniform Crime Reporting. While we’ve used this system for many years, using NIBRS will allow more detail, as well as make our department eligible for various grants when applied for.
- Officer Oates who contacted STAND T.A.L.L. (an NC nonprofit organization that helps support unbudgeted needs of area law enforcement to help them perform their duties) was able to acquire eight in car printers that will assist in the effectiveness of the officers while on duty. This is a huge bonus for our department who has been handwriting citations. The printers will allow officers to conduct traffic enforcement more efficiently.
- Our department was successful with the annual LLCA Raptor Roundup. The public, our town’s employees and area businesses were very receptive to gather gifts to help kids from LLCA have a better Christmas. We thank everyone for being so quick to assist in this gift giving.

**Parks, Recreation & Lake** – Director Dean Givens and Parks & Trails Coordinator Dana Bradley continue to provide exemplary oversight of the Parks, Recreation, and Lake Department. Led the various and numerous trail work days at Buffalo Creek, Weed Patch Mountain and Dittmer Watts trails. Total volunteer hours for the month was 104 working in various areas. Givens and Bradley have been working on dredging, deep water launch permit, the Boater License test and much more. Three notable projects/activities updates:

- Continued building MOLO permitting database.
- 2023 dredging grant application has been drafted.
- Holiday decorations were installed, including new decorations on the Pool Creek Bridge.

**Finance** – Revenues and Expenditures Reports are provided as separate attachments to supplement this summary. The Town continues to have a strong financial position with an unreconciled bank balance of \$9,100,000 for all funds other than special revenue (the Dam Fund). There will be a cycle of expenditures and reimbursed revenues that will occur during December and January due to the first phase of the sewer project.

Near the halfway point in this fiscal year, revenues are continuing to be received in higher percentages from our local and state funding partners. Expenditures are still being responsibly made by department heads with no major variances on a monthly basis.

Applications are being received and reviewed for the approved Accounting Clerk I position. Hopefully the entire process can be completed for the first of the calendar year.

**Communications** – Communications Director Krejci continues her community outreach as she has posted 28 news articles that illustrate town related news, a listing of these articles with hyperlinks was emailed to over 1840 citizens, along with a link to the Town Calendar of Events. There were 7,792 website users in November. This represents a 14% increase in users (+952) over November of 2021. **Social Media:** Published **62 Facebook posts** for the community with a **post reach of 40,497** for the month. The Town of Lake Lure now has over **19,152 followers** as of November 2022. Top projects/activities:

- Lake Lure Lake Lure Walkway Ribbon
- Lake Lure Veterans Day Program
- Lighting Up Lake Lure Program with Lake Lure Classical Academy and the Lake Lure Flowering Bridge

### **Manager / Clerk / Admin Summary**

November was a busy month including an array of staff, council, and board meetings and ever-changing day-to-day operations. We continue to work with Lebella Engineering on the new sewer system and planning on directional drilling (HDD) activities in the future. We are planning on the advertising of the HDD to be done again in January of 2023. In addition, we are anticipating the advertisement on the Dam 20' Valve Installation. The delivery of the valves continues to be on schedule for the month of May, 2023. In the midst of major project, the Town continues to strengthen the relationship with state entities.

- We conducted a tour of Morse Park with Tim Johnson of Destination By Design with a representative of the Water Resources Office in preparation for an application for funding on the Morse Park phase 1 master plan project.
- We also worked with Ruby Collins on the passage of the Amendment to the Design Build Contract for the Sewer Casing Boring Contract for Sunset Cove and amended the Capital Project Ordinance for the project as well.



TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
411000 COMMISSION							
411000 COMMISSION							
102	Salaries-Part Time	1,100.00	5,500.00	13,200.00	13,200.00	7,700.00	42 %
109	FICA	84.15	420.75	1,100.00	1,100.00	679.25	38 %
214	Supplies-Dept	200.00	623.73	3,000.00	3,000.00	2,376.27	21 %
215	Supplies-Materials	495.00	5,495.00	15,000.00	15,000.00	9,505.00	37 %
310	Travel and Transportation	0.00	0.00	2,750.00	2,750.00	2,750.00	%
	Account Total:	1,879.15	12,039.48	35,050.00	35,050.00	23,010.52	34 %
	Account Group Total:	1,879.15	12,039.48	35,050.00	35,050.00	23,010.52	34 %
413000 ADMINISTRATION							
413000 ADMINISTRATION							
100	SALARIES	30,436.38	152,022.00	471,151.00	471,151.00	319,129.00	32 %
103	Professional Services	0.00	12,868.00	58,600.00	58,600.00	45,732.00	22 %
109	FICA	2,288.18	11,427.80	36,065.00	36,065.00	24,637.20	32 %
110	Retirement	5,779.88	28,722.93	85,280.00	85,280.00	56,557.07	34 %
111	Group Insurance	3,197.90	16,799.66	60,600.00	60,600.00	43,800.34	28 %
120	401 (K) Contribution	589.20	2,785.30	23,600.00	23,600.00	20,814.70	12 %
180	Legal Services	6,298.28	30,538.47	49,200.00	49,200.00	18,661.53	62 %
190	Engineering Services	0.00	0.00	25,000.00	25,000.00	25,000.00	%
214	Supplies-Dept	0.00	7,118.58	8,000.00	8,000.00	881.42	89 %
215	Supplies-Materials	0.00	0.00	2,300.00	2,300.00	2,300.00	%
310	Travel and Transportation	164.97	1,682.49	6,500.00	6,500.00	4,817.51	26 %
320	Postage	29.70	582.19	4,000.00	4,000.00	3,417.81	15 %
322	Printing	0.00	0.00	1,200.00	1,200.00	1,200.00	%
324	Dues and Subscriptions	975.00	2,249.15	6,500.00	6,500.00	4,250.85	35 %
330	Utilities	0.00	12,137.80	25,000.00	25,000.00	12,862.20	49 %
350	Repairs and Maint-Buildings	22,763.00	22,772.95	12,500.00	70,575.00	47,802.05	32 %
353	Repairs and Maint-Equipment	0.00	135.00	4,000.00	4,000.00	3,865.00	3 %
370	Advertising	0.00	0.00	2,000.00	2,000.00	2,000.00	%
614	Lobbyist	10,000.00	30,000.00	60,000.00	60,000.00	30,000.00	50 %
687	Contractual - County Tax	0.00	14,483.25	16,000.00	16,000.00	1,516.75	91 %
691	Contractual Services	500.00	28,291.70	73,275.00	91,975.00	63,683.30	31 %
	Account Total:	83,022.49	374,617.27	1,030,771.00	1,107,546.00	732,928.73	34 %
	Account Group Total:	83,022.49	374,617.27	1,030,771.00	1,107,546.00	732,928.73	34 %
420000 CENTRAL SERVICES-Technology &							
420000 CENTRAL SERVICES-Technology & Telecommunications							
109	FICA	7.10	24.82	0.00	0.00	-24.82	%
111	Group Insurance	30.69	77.69	0.00	0.00	-77.69	%
321	Telephone	849.28	9,322.22	25,500.00	25,500.00	16,177.78	37 %
325	Internet Services	0.00	1,846.35	4,800.00	4,800.00	2,953.65	38 %
380	IT Support Services	0.00	11,968.00	79,720.00	79,720.00	67,752.00	15 %
527	TECH-Website Update	0.00	0.00	4,100.00	4,100.00	4,100.00	%
	Account Total:	887.07	23,239.08	114,120.00	114,120.00	90,880.92	20 %
	Account Group Total:	887.07	23,239.08	114,120.00	114,120.00	90,880.92	20 %

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
431000 POLICE							
431000 POLICE							
100	SALARIES	44,857.00	212,924.63	541,523.00	543,048.00	330,123.37	39 %
101	OVERTIME	0.00	221.66	5,000.00	5,000.00	4,778.34	4 %
102	Salaries-Part Time	763.88	4,725.01	35,000.00	35,000.00	30,274.99	14 %
104	Separation Allowance-Law	1,460.16	7,300.80	20,500.00	20,500.00	13,199.20	36 %
109	FICA	3,537.33	16,990.89	46,300.00	46,300.00	29,309.11	37 %
110	Retirement	8,905.10	41,370.35	106,600.00	106,600.00	65,229.65	39 %
111	Group Insurance	6,397.64	32,546.84	94,200.00	94,200.00	61,653.16	35 %
112	Special Benefit Fund-Police	2,242.84	10,657.30	25,525.00	25,525.00	14,867.70	42 %
212	Supplies-Fuel	0.00	9,581.19	27,500.00	27,500.00	17,918.81	35 %
214	Supplies-Dept	0.00	4,884.15	12,000.00	12,000.00	7,115.85	41 %
217	Supplies-Uniforms	638.20	7,797.56	10,000.00	10,000.00	2,202.44	78 %
220	Alcohol & Drug Ed.	0.00	341.95	1,000.00	1,000.00	658.05	34 %
310	Travel and Transportation	0.00	1,013.38	2,500.00	2,500.00	1,486.62	41 %
324	Dues and Subscriptions	0.00	5,348.28	6,300.00	6,300.00	951.72	85 %
333	Utilities-Boat House and Range	0.00	0.00	500.00	500.00	500.00	%
353	Repairs and Maint-Equipment	0.00	1,536.81	3,750.00	3,750.00	2,213.19	41 %
354	Repairs and Maint-Vehicles	904.11	12,603.85	25,000.00	33,000.00	20,396.15	38 %
490	Miscellaneous	0.00	0.00	1,000.00	1,000.00	1,000.00	%
524	Computers	0.00	9,549.16	10,000.00	10,000.00	450.84	95 %
691	Contractual Services	78.50	78.50	20,050.00	20,050.00	19,971.50	%
	Account Total:	69,784.76	379,472.31	994,248.00	1,003,773.00	624,300.69	38 %
	Account Group Total:	69,784.76	379,472.31	994,248.00	1,003,773.00	624,300.69	38 %
434000 FIRE							
434000 FIRE							
100	SALARIES	29,932.89	144,880.10	360,453.00	360,453.00	215,572.90	40 %
101	OVERTIME	0.00	0.00	20,000.00	20,000.00	20,000.00	%
102	Salaries-Part Time	3,051.00	7,533.00	35,000.00	35,000.00	27,467.00	22 %
109	FICA	2,459.30	11,339.55	31,795.00	31,795.00	20,455.45	36 %
110	Retirement	5,684.25	26,985.71	67,800.00	67,800.00	40,814.29	40 %
111	Group Insurance	4,477.06	22,737.38	66,200.00	66,200.00	43,462.62	34 %
120	401 (K) Contribution	1,111.04	5,285.59	18,723.00	18,723.00	13,437.41	28 %
212	Supplies-Fuel	0.00	6,268.50	20,000.00	20,000.00	13,731.50	31 %
214	Supplies-Dept	0.00	3,209.27	3,000.00	3,000.00	-209.27	107 %
215	Supplies-Materials	0.00	4,815.54	9,000.00	9,000.00	4,184.46	54 %
217	Supplies-Uniforms	164.99	810.57	4,000.00	4,000.00	3,189.43	20 %
218	Supplies-Equipment	2,517.00	8,670.50	20,000.00	20,000.00	11,329.50	43 %
310	Travel and Transportation	1,259.76	2,341.76	5,000.00	5,000.00	2,658.24	47 %
324	Dues and Subscriptions	0.00	12,805.25	8,100.00	8,100.00	-4,705.25	158 %
330	Utilities	0.00	8.24	11,500.00	11,500.00	11,491.76	%
351	Repairs and Maint-Grounds	115.00	3,083.46	5,000.00	5,000.00	1,916.54	62 %
353	Repairs and Maint-Equipment	1,859.18	2,628.82	15,000.00	15,000.00	12,371.18	18 %
354	Repairs and Maint-Vehicles	9,353.99	29,480.10	20,000.00	20,000.00	-9,480.10	147 %
490	Miscellaneous	0.00	0.00	3,000.00	3,000.00	3,000.00	%
514	Protective Clothing	0.00	0.00	14,000.00	14,000.00	14,000.00	%
553	RADIO REPLACEMENT	0.00	248.00	10,000.00	10,000.00	9,752.00	2 %
693	Fairfield Volunteer Fire Dept	0.00	33,500.00	67,000.00	67,000.00	33,500.00	50 %
694	Chimney Rock Volunteer Fire	0.00	17,500.00	35,000.00	35,000.00	17,500.00	50 %
695	Bills Creek Volunteer Fire	0.00	21,400.00	42,800.00	42,800.00	21,400.00	50 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
Account Total:		61,985.46	365,531.34	892,371.00	892,371.00	526,839.66	41 %
Account Group Total:		61,985.46	365,531.34	892,371.00	892,371.00	526,839.66	41 %
451000 PUBLIC WORKS-STREETS							
451000 PUBLIC WORKS-STREETS							
100	SALARIES	17,535.04	93,381.60	400,816.00	400,816.00	307,434.40	23 %
101	OVERTIME	0.00	0.00	15,000.00	15,000.00	15,000.00	%
109	FICA	1,326.34	7,063.43	31,392.00	31,392.00	24,328.57	23 %
110	Retirement	3,329.90	17,631.82	72,010.00	72,010.00	54,378.18	24 %
111	Group Insurance	3,167.21	16,456.05	77,220.00	77,220.00	60,763.95	21 %
120	401 (K) Contribution	786.33	3,940.32	20,555.00	20,555.00	16,614.68	19 %
211	Supplies-Automotive	0.00	7,222.31	25,000.00	25,000.00	17,777.69	29 %
214	Supplies-Dept	0.00	469.54	1,200.00	1,200.00	730.46	39 %
215	Supplies-Materials	0.00	1,942.32	35,000.00	35,000.00	33,057.68	6 %
217	Supplies-Uniforms	2,169.50	3,045.47	8,000.00	8,000.00	4,954.53	38 %
310	Travel and Transportation	19.70	19.70	500.00	500.00	480.30	4 %
331	Utilities-Street Lights	0.00	3,806.90	15,000.00	15,000.00	11,193.10	25 %
334	Utilities-Buildings	0.00	555.12	11,500.00	11,500.00	10,944.88	5 %
350	Repairs and Maint-Buildings	0.00	519.23	25,000.00	25,000.00	24,480.77	2 %
351	Repairs and Maint-Grounds	100.00	4,735.40	12,000.00	12,000.00	7,264.60	39 %
353	Repairs and Maint-Equipment	3,291.32	10,768.64	30,000.00	30,000.00	19,231.36	36 %
354	Repairs and Maint-Vehicles	409.99	4,986.18	20,000.00	20,000.00	15,013.82	25 %
550	Other Equipment	0.00	100.00	0.00	0.00	-100.00	%
691	Contractual Services	0.00	0.00	4,000.00	4,000.00	4,000.00	%
Account Total:		32,135.33	176,644.03	804,193.00	804,193.00	627,548.97	22 %
Account Group Total:		32,135.33	176,644.03	804,193.00	804,193.00	627,548.97	22 %
472000 SANITATION							
472000 SANITATION							
691	Contractual Services	29,830.00	74,575.00	177,000.00	179,400.00	104,825.00	42 %
692	Contractual Services-Recycling	2,928.00	7,304.00	14,400.00	14,400.00	7,096.00	51 %
696	Tipping Fees	5,370.00	14,334.06	38,000.00	38,000.00	23,665.94	38 %
Account Total:		38,128.00	96,213.06	229,400.00	231,800.00	135,586.94	42 %
Account Group Total:		38,128.00	96,213.06	229,400.00	231,800.00	135,586.94	42 %
473000 DAM/Watershed Protection							
473000 DAM/Watershed Protection							
351	Repairs and Maint-Grounds	0.00	3,650.00	9,000.00	9,000.00	5,350.00	41 %
352	Repairs and Maint-Dam	0.00	5,843.94	14,000.00	14,000.00	8,156.06	42 %
Account Total:		0.00	9,493.94	23,000.00	23,000.00	13,506.06	41 %
Account Group Total:		0.00	9,493.94	23,000.00	23,000.00	13,506.06	41 %
492000 ECONOMIC DEVELOPMENT							
492000 ECONOMIC DEVELOPMENT							
100	SALARIES	4,149.23	19,882.73	63,100.00	63,100.00	43,217.27	32 %
109	FICA	317.19	1,519.76	4,800.00	4,800.00	3,280.24	32 %
110	Retirement	787.94	3,758.32	11,400.00	11,400.00	7,641.68	33 %
111	Group Insurance	639.58	3,270.78	9,500.00	9,500.00	6,229.22	34 %
120	401 (K) Contribution	207.46	994.16	3,300.00	3,300.00	2,305.84	30 %
585	Community Branding	0.00	2,212.30	15,500.00	45,500.00	43,287.70	5 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
Account Total:		6,101.40	31,638.05	107,600.00	137,600.00	105,961.95	23 %
Account Group Total:		6,101.40	31,638.05	107,600.00	137,600.00	105,961.95	23 %
493000 COMMUNITY DEVELOPMENT							
493000 COMMUNITY DEVELOPMENT							
100	SALARIES	9,095.00	46,337.66	279,601.00	279,601.00	233,263.34	17 %
109	FICA	690.14	3,516.56	21,227.00	21,227.00	17,710.44	17 %
110	Retirement	1,727.14	8,754.83	50,500.00	50,500.00	41,745.17	17 %
111	Group Insurance	1,279.16	6,492.92	38,410.00	38,410.00	31,917.08	17 %
120	401 (K) Contribution	248.26	1,241.30	13,930.00	13,930.00	12,688.70	9 %
180	Legal Services	0.00	2,518.20	20,000.00	20,000.00	17,481.80	13 %
212	Supplies-Fuel	0.00	221.90	1,000.00	1,000.00	778.10	22 %
214	Supplies-Dept	0.00	43.71	5,500.00	5,500.00	5,456.29	1 %
310	Travel and Transportation	150.00	447.17	4,000.00	4,000.00	3,552.83	11 %
324	Dues and Subscriptions	0.00	0.00	1,000.00	1,000.00	1,000.00	%
370	Advertising	0.00	0.00	1,000.00	1,000.00	1,000.00	%
410	RENTS	0.00	6,150.00	18,000.00	18,000.00	11,850.00	34 %
691	Contractual Services	0.00	0.00	17,000.00	17,000.00	17,000.00	%
Account Total:		13,189.70	75,724.25	471,168.00	471,168.00	395,443.75	16 %
Account Group Total:		13,189.70	75,724.25	471,168.00	471,168.00	395,443.75	16 %
613000 PARKS, RECREATION & LAKE							
613000 PARKS, RECREATION & LAKE							
100	SALARIES	21,680.76	107,008.18	280,000.00	280,000.00	172,991.82	38 %
102	Salaries-Part Time	0.00	1,653.76	0.00	0.00	-1,653.76	%
109	FICA	1,545.16	7,775.61	22,500.00	22,500.00	14,724.39	35 %
110	Retirement	4,160.14	20,425.58	51,000.00	51,000.00	30,574.42	40 %
111	Group Insurance	3,239.44	16,520.50	57,000.00	57,000.00	40,479.50	29 %
120	401 (K) Contribution	1,081.74	5,338.92	14,000.00	14,000.00	8,661.08	38 %
212	Supplies-Fuel	0.00	5,017.43	15,000.00	15,000.00	9,982.57	33 %
213	Supplies-Boat Fuel & Supplies	0.00	4,395.65	12,000.00	12,000.00	7,604.35	37 %
214	Supplies-Dept	0.00	337.38	5,000.00	5,000.00	4,662.62	7 %
215	Supplies-Materials	0.00	575.53	25,000.00	25,000.00	24,424.47	2 %
216	Supplies-Fish Purchase	0.00	0.00	8,000.00	8,000.00	8,000.00	%
217	Supplies-Uniforms	0.00	847.98	1,500.00	1,500.00	652.02	57 %
219	Boat and Fishing Permits	5,736.68	5,736.68	6,500.00	6,500.00	763.32	88 %
310	Travel and Transportation	0.00	911.88	2,000.00	2,000.00	1,088.12	46 %
330	Utilities	0.00	0.00	6,700.00	6,700.00	6,700.00	%
335	Flowering Bridge Lighting	0.00	270.07	3,500.00	3,500.00	3,229.93	8 %
351	Repairs and Maint-Grounds	805.32	20,034.86	100,000.00	100,000.00	79,965.14	20 %
353	Repairs and Maint-Equipment	0.00	2,509.04	14,000.00	14,000.00	11,490.96	18 %
691	Contractual Services	5,812.94	15,362.24	40,500.00	40,500.00	25,137.76	38 %
697	Dredging & Debris Removal	0.00	400.00	0.00	0.00	-400.00	%
Account Total:		44,062.18	215,121.29	664,200.00	664,200.00	449,078.71	32 %
Account Group Total:		44,062.18	215,121.29	664,200.00	664,200.00	449,078.71	32 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
615000 BEACH & MARINA							
615000	BEACH & MARINA						
	214 Supplies-Dept	0.00	0.00	2,000.00	2,000.00	2,000.00	%
	350 Repairs and Maint-Buildings	0.00	342.00	4,000.00	4,000.00	3,658.00	9 %
	351 Repairs and Maint-Grounds	0.00	3,670.88	10,200.00	10,200.00	6,529.12	36 %
	353 Repairs and Maint-Equipment	1,740.03	1,740.03	1,300.00	1,300.00	-440.03	134 %
	Account Total:	1,740.03	5,752.91	17,500.00	17,500.00	11,747.09	33 %
	Account Group Total:	1,740.03	5,752.91	17,500.00	17,500.00	11,747.09	33 %
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
	506 HVAC System/Police	0.00	0.00	15,000.00	15,000.00	15,000.00	%
	516 PUBLIC SERVICES BLDG	0.00	0.00	50,000.00	50,000.00	50,000.00	%
	522 Pool Creek Bridge Light	0.00	4,980.00	10,000.00	10,000.00	5,020.00	50 %
	530 P&R-Mower	0.00	2,650.00	18,000.00	18,000.00	15,350.00	15 %
	541 POLICE-Vehicles	0.00	0.00	57,000.00	57,000.00	57,000.00	%
	548 Parking Lot	0.00	0.00	200,000.00	200,000.00	200,000.00	%
	550 Other Equipment	16,771.61	53,691.42	42,504.00	155,000.00	101,308.58	35 %
	555 PW Storage Bldg	0.00	0.00	450,000.00	450,000.00	450,000.00	%
	559 PW BLDG-Renovations	0.00	25,500.00	40,000.00	40,000.00	14,500.00	64 %
	576 DAM-AUTOMATION	28,360.00	216,833.00	256,560.00	256,560.00	39,727.00	85 %
	587 DAM BOOM REPLACEMENT	0.00	0.00	70,000.00	70,000.00	70,000.00	%
	592 PW-Street Paving	0.00	29,822.60	150,000.00	174,000.00	144,177.40	17 %
	697 Dredging & Debris Removal	99,273.60	553,398.30	1,000,000.00	1,000,000.00	446,601.70	55 %
	Account Total:	144,405.21	886,875.32	2,359,064.00	2,495,560.00	1,608,684.68	36 %
	Account Group Total:	144,405.21	886,875.32	2,359,064.00	2,495,560.00	1,608,684.68	36 %
820000 BONUSES (PERFORMANCE & LONGEVITY)							
820000 BONUSES (PERFORMANCE & LONGEVITY)							
	100 SALARIES	0.00	2,223.65	0.00	0.00	-2,223.65	%
	109 FICA	0.00	81.99	0.00	0.00	-81.99	%
	120 401 (K) Contribution	0.00	53.59	0.00	0.00	-53.59	%
	Account Total:	0.00	2,359.23	0.00	0.00	-2,359.23	%
	Account Group Total:	0.00	2,359.23	0.00	0.00	-2,359.23	%
910000 DEBT SERVICE							
910000 DEBT SERVICE							
	504 VEHICLES	0.00	13,927.47	44,500.00	44,500.00	30,572.53	31 %
	531 FIRE-Fire Engine	0.00	0.00	46,300.00	46,300.00	46,300.00	%
	541 POLICE-Vehicles	1,419.65	4,199.18	17,225.00	17,225.00	13,025.82	24 %
	550 Other Equipment	2,198.28	19,085.70	144,500.00	144,500.00	125,414.30	13 %
	561 Brdwalk-Marina Bay	0.00	0.00	101,900.00	101,900.00	101,900.00	%
	573 Barge/Excavator	0.00	27,567.95	0.00	0.00	-27,567.95	%
	720 Bond Interest	272.96	5,692.26	58,500.00	58,500.00	52,807.74	10 %
	Account Total:	3,890.89	70,472.56	412,925.00	412,925.00	342,452.44	17 %
	Account Group Total:	3,890.89	70,472.56	412,925.00	412,925.00	342,452.44	17 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
920000	Non-Governmental						
920000	Non-Governmental						
	130 Unemployment	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	450 Insurance	0.00	145,759.73	165,000.00	165,000.00	19,240.27	88 %
	751 Bank Fees	0.00	21.50	2,500.00	2,500.00	2,478.50	1 %
	Account Total:	0.00	145,781.23	172,500.00	172,500.00	26,718.77	85 %
	Account Group Total:	0.00	145,781.23	172,500.00	172,500.00	26,718.77	85 %
980000	TRANSFERS						
980000	TRANSFERS						
	967 Transfer to Capital Reserve	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Fund Total:	501,211.67	2,870,975.35	9,928,110.00	10,183,306.00	7,312,330.65	28 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

21 Capital Reserve Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
980000	TRANSFERS						
980000	TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	1,150,000.00	1,150,000.00	1,150,000.00	%
	966 Transfer To General	0.00	0.00	450,000.00	450,000.00	450,000.00	%
	Account Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Fund Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%

53 WATER AND SEWER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
713000 WATER							
713000 WATER							
214	Supplies-Dept	0.00	387.50	15,000.00	15,000.00	14,612.50	3 %
310	Travel and Transportation	355.00	355.00	4,000.00	4,000.00	3,645.00	9 %
324	Dues and Subscriptions	0.00	0.00	2,000.00	2,000.00	2,000.00	%
330	Utilities	0.00	1,464.90	15,000.00	15,000.00	13,535.10	10 %
350	Repairs and Maint-Buildings	0.00	12,417.87	20,000.00	20,000.00	7,582.13	62 %
353	Repairs and Maint-Equipment	2,991.59	6,496.70	30,000.00	30,000.00	23,503.30	22 %
354	Repairs and Maint-Vehicles	50.00	50.00	0.00	0.00	-50.00	%
358	Repairs and Maint-Lines	0.00	0.00	18,000.00	18,000.00	18,000.00	%
430	Equipment Rental	0.00	0.00	500.00	500.00	500.00	%
691	Contractual Services	0.00	8,532.50	20,000.00	20,000.00	11,467.50	43 %
	Account Total:	3,396.59	29,704.47	124,500.00	124,500.00	94,795.53	24 %
	Account Group Total:	3,396.59	29,704.47	124,500.00	124,500.00	94,795.53	24 %
714000 SEWER							
714000 SEWER							
103	Professional Services	0.00	300.00	3,000.00	3,000.00	2,700.00	10 %
214	Supplies-Dept	0.00	75.61	800.00	800.00	724.39	9 %
215	Supplies-Materials	0.00	28,154.41	180,000.00	180,000.00	151,845.59	16 %
310	Travel and Transportation	0.00	782.01	4,000.00	4,000.00	3,217.99	20 %
320	Postage	231.00	1,142.04	4,000.00	4,000.00	2,857.96	29 %
330	Utilities	0.00	1,275.11	16,000.00	16,000.00	14,724.89	8 %
350	Repairs and Maint-Buildings	0.00	10,170.25	20,000.00	20,000.00	9,829.75	51 %
353	Repairs and Maint-Equipment	0.00	3,821.62	45,000.00	45,000.00	41,178.38	8 %
355	Repairs and Maint-Collection	3,620.86	3,760.50	25,000.00	25,000.00	21,239.50	15 %
358	Repairs and Maint-Lines	0.00	704.80	0.00	0.00	-704.80	%
550	Other Equipment	0.00	0.00	0.00	155,000.00	155,000.00	%
613	Manhole Rehabi Project	0.00	129,044.20	0.00	0.00	-129,044.20	%
690	Contractual Services-Sludge	1,500.00	51,544.75	160,000.00	160,000.00	108,455.25	32 %
691	Contractual Services	0.00	5,818.40	79,000.00	79,000.00	73,181.60	7 %
699	Contractual Services-WWTP	2,734.00	7,316.00	40,000.00	40,000.00	32,684.00	18 %
	Account Total:	8,085.86	243,909.70	576,800.00	731,800.00	487,890.30	33 %
	Account Group Total:	8,085.86	243,909.70	576,800.00	731,800.00	487,890.30	33 %
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
511	WATER METERS	0.00	0.00	200,000.00	200,000.00	200,000.00	%
547	CAMERAS/CAMERAS	0.00	0.00	8,500.00	8,500.00	8,500.00	%
557	FIREFLY COVE SYSTEM	0.00	0.00	250,000.00	250,000.00	250,000.00	%
	Account Total:	0.00	0.00	458,500.00	458,500.00	458,500.00	%
	Account Group Total:	0.00	0.00	458,500.00	458,500.00	458,500.00	%
910000 DEBT SERVICE							
910000 DEBT SERVICE							
611	SRL Fund Project	0.00	0.00	55,955.00	55,955.00	55,955.00	%
612	Joint Wrapping Project	0.00	0.00	63,990.00	63,990.00	63,990.00	%
720	Bond Interest	0.00	0.00	5,160.00	5,160.00	5,160.00	%
	Account Total:	0.00	0.00	125,105.00	125,105.00	125,105.00	%
	Account Group Total:	0.00	0.00	125,105.00	125,105.00	125,105.00	%



TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

53 WATER AND SEWER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
980000	TRANSFERS						
980000	TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	365,455.00	365,455.00	365,455.00	%
	Account Total:	0.00	0.00	365,455.00	365,455.00	365,455.00	%
	Account Group Total:	0.00	0.00	365,455.00	365,455.00	365,455.00	%
	Fund Total:	11,482.45	273,614.17	1,650,360.00	1,805,360.00	1,531,745.83	15 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

56 ELECTRIC FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
720000 ELECTRIC OPERATIONS							
720000 ELECTRIC OPERATIONS							
100	SALARIES	17,307.18	86,535.90	87,500.00	87,500.00	964.10	99 %
103	Professional Services	0.00	0.00	40,000.00	40,000.00	40,000.00	%
109	FICA	1,345.36	6,720.10	6,950.00	6,950.00	229.90	97 %
110	Retirement	3,286.64	16,350.13	15,000.00	15,000.00	-1,350.13	109 %
111	Group Insurance	1,918.74	9,910.26	10,000.00	10,000.00	89.74	99 %
120	401 (K) Contribution	594.78	2,973.90	4,313.00	4,313.00	1,339.10	69 %
212	Supplies-Fuel	0.00	3,041.19	6,000.00	6,000.00	2,958.81	51 %
214	Supplies-Dept	0.00	123.94	6,200.00	6,200.00	6,076.06	2 %
320	Postage	0.00	44.32	0.00	0.00	-44.32	%
321	Telephone	175.72	1,247.29	3,000.00	3,000.00	1,752.71	42 %
330	Utilities	0.00	727.42	6,000.00	6,000.00	5,272.58	12 %
350	Repairs and Maint-Buildings	0.00	1,773.00	15,000.00	15,000.00	13,227.00	12 %
353	Repairs and Maint-Equipment	0.00	1,542.38	40,000.00	40,000.00	38,457.62	4 %
691	Contractual Services	0.00	70.00	42,000.00	42,000.00	41,930.00	%
	Account Total:	24,628.42	131,059.83	281,963.00	281,963.00	150,903.17	46 %
	Account Group Total:	24,628.42	131,059.83	281,963.00	281,963.00	150,903.17	46 %
980000 TRANSFERS							
980000 TRANSFERS							
958	Transfer to Fund Balance	0.00	0.00	118,187.00	118,187.00	118,187.00	%
	Account Total:	0.00	0.00	118,187.00	118,187.00	118,187.00	%
	Account Group Total:	0.00	0.00	118,187.00	118,187.00	118,187.00	%
	Fund Total:	24,628.42	131,059.83	400,150.00	400,150.00	269,090.17	33 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 11 / 22

75 CHIMNEY ROCK WATER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
713000 WATER							
713000 WATER							
	214 Supplies-Dept	0.00	1,187.50	0.00	0.00	-1,187.50	%
	320 Postage	44.88	212.16	0.00	0.00	-212.16	%
	968 Payments to Chimney Rock Water	3,346.72	23,847.41	0.00	0.00	-23,847.41	%
	Account Total:	3,391.60	25,247.07	0.00	0.00	-25,247.07	%
	Account Group Total:	3,391.60	25,247.07	0.00	0.00	-25,247.07	%
	Fund Total:	3,391.60	25,247.07	0.00	0.00	-25,247.07	%
	Grand Total:	540,714.14	0.00	3,300,896.42	13,578,620.00	13,988,816.00	10,687,919.58 24 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be	Received
<b>310000 TAXES</b>					
310100 P & I - Taxes	0.00	553.99	10,000.00	9,446.01	6 %
Account Group Total :	0.00	553.99	10,000.00	9,446.01	6 %
<b>311000 Ad Valorem Taxes-2000</b>					
311190 AD VALOREM TAXES-2019	0.00	2,972.56	0.00	-2,972.56	** %
311210 AD VALOREM TAXES-2021	0.00	0.00	50,000.00	50,000.00	0 %
311220 AD VALOREM TAX 2022-	0.00	2,243,236.62	4,361,624.00	2,118,387.38	51 %
Account Group Total :	0.00	2,246,209.18	4,411,624.00	2,165,414.82	51 %
<b>312000 Ad Valorem-Veh-2000</b>					
312021 AD VALOREM VEH TAXES-2021	0.00	0.00	20,000.00	20,000.00	0 %
312022 Ad Valorem Vehicle Tax 2022	0.00	8,779.83	94,850.00	86,070.17	9 %
Account Group Total :	0.00	8,779.83	114,850.00	106,070.17	8 %
<b>332000 STATE SHARED REVENUES</b>					
332200 Beer & Wine Tax	0.00	0.00	4,950.00	4,950.00	0 %
332300 Court Costs, Fees and Chrgs	30.00	165.00	550.00	385.00	30 %
332400 Utilities Franchise Tax	0.00	0.00	201,195.00	201,195.00	0 %
332600 Powell Bill - Tax on Gas	0.00	38,075.64	76,600.00	38,524.36	50 %
332930 State Shared Sales Tax	0.00	548,375.04	1,750,000.00	1,201,624.96	31 %
332933 Solid Waste Disposal Tax	0.00	237.60	780.00	542.40	30 %
332942 Video Programming Tax	0.00	0.00	15,975.00	15,975.00	0 %
332991 NC DEQ Dredging Grant	0.00	0.00	800,000.00	800,000.00	0 %
Account Group Total :	30.00	586,853.28	2,850,050.00	2,263,196.72	21 %
<b>347000 LAND USE FEES</b>					
347100 Zoning Permits	5,125.00	27,155.00	37,000.00	9,845.00	73 %
347200 Land Disturbance Permit	640.00	1,920.00	6,000.00	4,080.00	32 %
347300 Sign Permits	0.00	123.00	500.00	377.00	25 %
347550 Vacation Rental Fees	600.00	5,100.00	10,000.00	4,900.00	51 %
347600 Lake Structure Permit/LSA	0.00	1,100.00	9,254.00	8,154.00	12 %
347800 Fire Inspection	0.00	30.00	50.00	20.00	60 %
Account Group Total :	6,365.00	35,428.00	62,804.00	27,376.00	56 %
<b>361000 LAKE</b>					
361201 Lake Lure Tours	0.00	31,363.78	60,000.00	28,636.22	52 %
361202 Lake Fines	16.00	319.00	300.00	-19.00	106 %
361203 Lake Comm License Fees	1,100.00	6,065.00	15,000.00	8,935.00	40 %
361204 Boat Permits	310.00	50,845.25	675,000.00	624,154.75	8 %
361205 RBR CONCESSIONS	0.00	15,227.23	25,000.00	9,772.77	61 %
361207 Cluster Mooring Fees	0.00	0.00	24,000.00	24,000.00	0 %
Account Group Total :	1,426.00	103,820.26	799,300.00	695,479.74	13 %
<b>363000 BEACH</b>					
363801 Beach-Admission Fee-Adult	0.00	45,647.21	65,000.00	19,352.79	70 %
363804 Beach-Concessions	0.00	3,871.89	10,000.00	6,128.11	39 %
Account Group Total :	0.00	49,519.10	75,000.00	25,480.90	66 %
<b>364000 MARINA</b>					
364902 Marina-Open Slip Rental	3,400.00	6,550.00	310,000.00	303,450.00	2 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 11 / 22

10 GENERAL FUND

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be Received	% Received
364905 Marina-Concessions	0.00	9,882.40	18,500.00	8,617.60	53 %
364908 Marina-Rentals	0.00	28,937.58	50,000.00	21,062.42	58 %
Account Group Total :	3,400.00	45,369.98	378,500.00	333,130.02	12 %
383000 MISCELLANEOUS REVENUES					
383100 Interest Earned on Investments	0.00	1,290.15	4,000.00	2,709.85	32 %
383200 Beer and Wine Permits	0.00	181.15	1,000.00	818.85	18 %
383321 Fire-Rural Fire Protection	0.00	839.67	8,592.00	7,752.33	10 %
383410 ABC-Rents	1,333.33	10,666.64	16,000.00	5,333.36	67 %
383430 Community Center Rental	0.00	-100.00	250.00	350.00	-40 %
383440 Pavilion/Gazebo Rental	500.00	3,000.00	3,500.00	500.00	86 %
383450 Meadows Rental	-450.00	120.00	250.00	130.00	48 %
383462 TDA GRANT	0.00	0.00	100,000.00	100,000.00	0 %
383500 Sale of Assets	0.00	0.00	3,500.00	3,500.00	0 %
383600 Golf Cart Permit	0.00	60.00	200.00	140.00	30 %
383700 LLABC-Distribution for Law Enforcement	0.00	0.00	750.00	750.00	0 %
383701 ABC-Dist. for Drug/Alcohol	0.00	0.00	1,250.00	1,250.00	0 %
383800 ABC-Distribution of Funds	0.00	23,006.10	20,000.00	-3,006.10	115 %
383900 Misc Revenue	367.00	1,807.22	1,200.00	-607.22	151 %
383903 Town Promotional Materials	0.00	0.00	750.00	750.00	0 %
383910 Copies	0.00	12.00	500.00	488.00	2 %
383930 Recycling Collections	-102.00	15,870.50	15,250.00	-620.50	104 %
Account Group Total :	1,648.33	56,753.43	176,992.00	120,238.57	32 %
398000 TRANSFERS					
398500 Transfer from Capital Reserve	0.00	0.00	450,000.00	450,000.00	0 %
398502 Installment Agreement Proceeds	0.00	54,547.54	57,000.00	2,452.46	96 %
398604 Transfer from Fund Balance	0.00	0.00	952,186.00	952,186.00	0 %
Account Group Total :	0.00	54,547.54	1,459,186.00	1,404,638.46	4 %
Fund Total :	12,869.33	3,187,834.59	10,338,306.00	7,150,471.41	31 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 11 / 22

21 Capital Reserve Fund

Account	Received		Estimated Revenue	Revenue		
	Current Month	Received YTD		To Be Received	% Received	
398000 TRANSFERS						
398605 Transfer From General Fund	0.00	0.00	1,600,000.00	1,600,000.00	0 %	
Account Group Total :	0.00	0.00	1,600,000.00	1,600,000.00	0 %	
Fund Total :	0.00	0.00	1,600,000.00	1,600,000.00	0 %	

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 11 / 22

53 WATER AND SEWER FUND

Account	Recei ved		Estimated Revenue	Revenue	
	Current Month	Recei ved YTD		To Be	Recei ved
<b>371000</b>					
371105 Chimney Rock Water	0.00	-35.00	15,000.00	15,035.00	0 %
371300 Charges for Water	31,037.13	117,756.69	330,000.00	212,243.31	36 %
371400 Charges for Sewer	103,437.42	517,305.09	1,275,000.00	757,694.91	41 %
371500 Taps and Connect-Water	0.00	1,155.00	5,000.00	3,845.00	23 %
371600 Taps and Connect-Sewer	-1,155.00	0.00	5,000.00	5,000.00	0 %
371700 Transfer Fee-Water/Sewer	20.00	460.00	1,000.00	540.00	46 %
371800 W/S - Penalty and Interest	1,825.00	8,951.00	6,000.00	-2,951.00	149 %
371900 W/S - Misc	0.00	46.40	0.00	-46.40	** %
Account Group Total :	135,164.55	645,639.18	1,637,000.00	991,360.82	39 %
<b>383000 MISCELLANEOUS REVENUES</b>					
383100 Interest Earned on Investments	0.00	576.75	1,000.00	423.25	58 %
383460 Water Tank Rental	0.00	2,060.00	12,360.00	10,300.00	17 %
Account Group Total :	0.00	2,636.75	13,360.00	10,723.25	20 %
Fund Total :	135,164.55	648,275.93	1,650,360.00	1,002,084.07	39 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 11 / 22

56 ELECTRIC FUND

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be Received	% Received
372000					
372300 Charges for Utilities-Electric	0.00	2,313.64	400,000.00	397,686.36	1 %
Account Group Total :	0.00	2,313.64	400,000.00	397,686.36	1 %
383000 MISCELLANEOUS REVENUES					
383100 Interest Earned on Investments	0.00	0.00	150.00	150.00	0 %
Account Group Total :	0.00	0.00	150.00	150.00	0 %
Fund Total :	0.00	2,313.64	400,150.00	397,836.36	1 %



75 CHIMNEY ROCK WATER FUND

Account	Recei ved		Esti mated Revenue	Revenue		% Recei ved
	Current Month	Recei ved YTD		To Be	Recei ved	
371000						
371300 Charges for Water	7,619.88	42,092.02	0.00	-42,092.02	**	%
371501 WATER TAPS - CHIMNEY ROCK	0.00	1,250.00	0.00	-1,250.00	**	%
371800 W/S - Penalty and Interest	425.00	2,250.00	0.00	-2,250.00	**	%
Account Group Total :	8,044.88	45,592.02	0.00	-45,592.02	**	%
Fund Total :	8,044.88	45,592.02	0.00	-45,592.02	**	%
Grand Total :	156,078.76	3,884,016.18	13,988,816.00	10,104,799.82	28	%

**V**  
**COUNCIL LIAISON**  
**REPORTS AND**  
**COMMENTS**

# **VI PRESENTATIONS**

## **A. Advisory Board Presentations**

# VII

## PUBLIC COMMENT

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, [ostewman@townoflakelure.com](mailto:ostewman@townoflakelure.com), at least one hour prior to the meeting.*

# VIII

## CONSENT AGENDA

- A. Approval of the November 8, 2022 Regular Town Council Meeting Minutes and the November 30, 2022 Special Town Council Work Session Meeting Minutes
- B. Adoption of the 2023 Town Council Meeting Schedule
- C. Adoption of Fiscal Year 2023-2024 Budget Calendar
- D. Adoption of Resolution No. 22-12-13 Water Resources Development Grant
- E. Approval of Division of Water Resources Development Grant No Conflict of Interest Certification
- F. Adoption of Ordinance No. 22-12-13 Amending the Town of Lake Lure Code of Ordinances, Chapter 30 (“Traffic and Vehicles”), Article III (“Parking Violations: Enforcement”), Section 30-62 (“Parking and Use of Electric Vehicle Charging Stations”) and Section 30-63 (“Penalty”)



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, NOVEMBER 8, 2022, 5:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Carol C. Pritchett  
Mayor Pro Tem David DiOrio  
Commissioner Patrick Bryant  
Commissioner Scott Doster  
Commissioner Jim Proctor

William Morgan, Jr., Town Attorney  
William Hank Perkins, Jr., Town Manager  
Michael Williams, Community Development Director

**ABSENT:** N/A

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the meeting to order at 5:00 p.m. Commissioner Patrick Bryant led the invocation. Council members led the pledge of allegiance.

**II. APPROVE THE AGENDA**

Commissioner David DiOrio requested to add an item B under Section X “New Business” for the purpose of discussing and considering Budget Amendment #345.

Commissioner Scott Doster made a motion to approve the agenda, as amended. Commissioner DiOrio seconded and the motion carried 4-0.

**III. MAYOR’S COMMUNICATIONS**

Mayor Pritchett thanked all individuals in attendance. Mayor Pritchett noted the upcoming Veterans Day Program, Lighting up Lake Lure event, Lake Lure Great Gatsby Gala, and noted that all other important upcoming dates can be found on the website.

**IV. TOWN MANAGER COMMUNICATIONS**

Town Manager Hank Perkins summarized highlights from his Manager's Report for October.

**V. PUBLIC HEARING**

**A. ORDINANCE NO. 22-11-08 AMENDING ARTICLE I SECTION 36-5, ARTICLE VIII SECTIONS 36-235 - 36-261, AND ARTICLE X SECTION 36-295 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES – GATEHOUSES, GUARDHOUSES, AND SECURITY GATES**

**i. STAFF REPORT**

Community Development Director Michael Williams explained that Rumbling Bald Resort was hoping to update their gate entrance, submitted plans to the Town for permitting, and the Community Development Department realized that gatehouses, guardhouses, and security gates were not appropriately addressed in the Code of Ordinances. Director Williams explained that proposed Ordinance No. 22-11-08 will address these factors and allow the Community Development Department to adapt and issue permits. Director Williams noted that the Zoning and Planning Board recommended the approval of Ordinance No. 22-11-08.

**ii. PUBLIC HEARING**

Mayor Pritchett opened the public hearing and invited attendees to speak.

There were no participants for the public hearing.

Commissioner Jim Proctor made a motion to close the public hearing. Commissioner Doster seconded and the motion carried 4-0.

**iii. COUNCIL DELIBERATION**

Members of Council expressed support for Ordinance No. 22-11-08.

**iv. CONSIDERATION OF ORDINANCE NO. 22-11-08**

Commissioner Proctor made a motion to adopt Ordinance No. 22-11-08 Amending Article I Section 36-5, Article VIII Sections 36-235 – 36-261, and Article X Section 36-295 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances – Gatehouses, Guardhouses, and Security Gates. Commissioner Bryant seconded and the motion carried 4-0.

**ORDINANCE NUMBER 22-11-08**

**AN ORDINANCE AMENDING ARTICLE I SECTION 36-5, ARTICLE VIII SECTIONS 36-235 – 36-261, AND ARTICLE X 36-295 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES**

**WHEREAS,** The Town of Lake Lure Code of Ordinances does not adequately define or address gatehouses, guardhouses, or security gates; and

**WHEREAS,** The Town of Lake Lure Town Council has deemed that it is necessary to define and address gatehouses, guardhouses, and security gates; and

**WHEREAS,** The Town of Lake Lure Town Council has determined that Article VIII Section 36-235 should be added to the Zoning Regulations to define and address gatehouses, guardhouses, and security gates; now

**WHEREAS,** The Town of Lake Lure Town Council has also determined that Article X Section 36-295 should be amended to include address gatehouses, guardhouses, and security gates in terms of exceptions to required yards.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN SPECIAL SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Article I Sections 36-5, “Definitions”, is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

Gatehouses, guardhouses and security gates refers to structures, generally associated with resorts or subdivisions, for the purpose of controlling access to a private property, development, resort or subdivision, usually located in or across a road.

**Sec. 36-235. Gatehouses, guardhouses and security gates**

**SECTION TWO.** Article VIII Sections 36-235 – 36-261, “Reserved”, is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**Sec. 36-235. Gatehouses, guardhouses and security gates**

a. Gatehouses, guardhouses and security gates may be permitted provided that:

1. it is not located on a publicly dedicated street or street right-of-way; and



2. the project proposal is reviewed and approved by the Fire Chief, Police Chief and any other authority having jurisdiction (AHJ).
- b. Gatehouses, guardhouses and security gates are exempt from yard setback requirements but for applications other than personal dwellings:
1. shall be setback sufficiently far from public road access to allow for the stacking of at least three (3) vehicles out of the public travel lanes on the public road;
  2. shall have an additional setback in front of the gate to allow a vehicle which is denied access to safely turn around and exit onto a public road;
  3. shall provide adequate gate width and alignment of approach and departure areas, on both sides of gate, to allow free and unimpeded passage of emergency vehicles;
  4. where the gate crosses a travel way, such gate shall open so as to provide a minimum width of 18 feet of passage for two-way travel; or minimum width of 12 feet of passage for one-way travel.
- c. Gatehouses, guardhouses and security gates shall provide unfettered and immediate access to all private roads by emergency and law enforcement vehicles and reasonably guarantee access to all private roads by Town, County and State of North Carolina employees operating within the scope of their official duties to perform governmental regulatory activities, and to all public utility companies to perform installation and maintenance activities of public utility infrastructure. If an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle if applicable, shall be the responsibility of the owner or operator of the gate. A statement to this effect shall be filed with the Town of Lake Lure Police Department and appear on the final plat of all new development.

~~Secs. 36-235—36-261. Reserved.~~

~~Secs. 36-236—36-261. Reserved.~~

**SECTION THREE.** Article X Section 36-295, “Exceptions to required yards”, is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

In all zoning districts, yards, as defined in section 36-5, shall be as established by this chapter provided the following shall be permitted in any yard:

1. Access structures to connect the principal structure to the street or shoreline, provided said structures are constructed above grade at an elevation no greater than reasonably required by topography.

2. Fences, walls, hedges, and retaining walls under the provisions of section 36-231.
3. One masonry column located on each side of a driveway to define entrance to a property or to support a gate across a driveway, provided that such columns shall not exceed 36 inches in width and eight feet in height.
4. Entrance gates, gatehouses or guardhouses as defined in section 36-5 and under the provisions of section 36-235.

**SECTION FOUR.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08 to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and zoning definitions.

**SECTION FIVE.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08 to be reasonable and in the public interest because it provides clarification in regard to regulating gatehouses, guardhouses, and security gates.

**SECTION SIX.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION SEVEN.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

## **V. PUBLIC HEARING**

### **B. ORDINANCE NO. 22-11-08A REPLACING ARTICLE III SECTION 36-72(5) OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES – MOBILE FOOD VENDORS**

#### **i. STAFF REPORT**

Director Williams noted that existing ordinance addressing mobile food vendors is restrictive and out dated. Director Williams explained that proposed Ordinance No. 22-11-08A, crafted with Town Attorney William Morgan and the Zoning and Planning Board, would allow mobile food vendors to operate in certain zoning districts as a primary or accessory use. Director Williams summarized that mobile food vendors will essentially be allowed to operate in districts where restaurants are permitted to operate. Director Williams detailed the proposed permitting process.

#### **ii. PUBLIC HEARING**

Mayor Pritchett opened the public hearing.

Richard Amatriain, Gerton, North Carolina, explained that he met a Michelin chef who he is working with to open a food truck in Gerton and expressed that he would like to operate in Lake Lure if the proposed ordinance is passed. Mr. Amatriain expressed support for the proposed ordinance.

Laura Doster, Chamber of Hickory Nut Gorge, asked for clarification regarding permanent mobile food vendors versus those present at events. Commissioner Bryant provided an explanation.

Commissioner Doster made a motion to close the public hearing. Commissioner DiOrio seconded and the motion carried 4-0.

**iii. COUNCIL DELIBERATION**

Members of Council expressed support for Ordinance No. 22-11-08A.

**iv. CONSIDERATION OF ORDINANCE NO. 22-11-08A**

Commissioner Bryant made a motion to adopt Ordinance No. 22-11-08A Replacing Article III Section 36-72(5) of the Zoning Regulations of the Town of Lake Lure Code of Ordinances – Mobile Food Vendors. Commissioner Doster seconded and the motion carried 4-0.

**ORDINANCE NUMBER 22-11-08A**

**AN ORDINANCE REPLACING ARTICLE III SECTION 36-72(5) OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES**

**WHEREAS**, The Town of Lake Lure Code of Ordinances does not adequately address mobile food vendor operations within the Town; and

**WHEREAS**, The Town of Lake Lure Zoning and Planning Board has recommended that the Town Council adopt the attached replacement ordinance to define Mobile Food Vendors and address Mobile Food Vendors as a permitted use within the Town; and

**WHEREAS**, The Town of Lake Lure Town Council has deemed that it is necessary to define Mobile Food Vendors and address Mobile Food Vendors as a permitted use within the Town; and

**WHEREAS**, The Town of Lake Lure Town Council has determined that the existing Article III Section 36-72(5) of the Zoning Regulations should be replaced with the recommended new Mobile Food Vendors ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Article III Section 36-72(5) is hereby replaced with the following language:

**Section 36-72(5) Mobile Food Vendors**

**a. Definitions.**

1. Mobile Food Vendor means a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, equipped to serve food.
2. Regulatory Fee means a fee assessed to cover the cost of regulating a particular type of business activity that is assessed to an operator of that type of business.

**b. Permitting.**

1. *Permit required for Mobile Food Vendor operator:* An annual Mobile Food Vendor permit from the Zoning Administrator of the Town of Lake Lure shall be required prior to operating a Mobile Food Vendor in Lake Lure. A regulatory fee will be assessed to cover the costs associated with regulation of Mobile Food Vendors in Lake Lure.
2. A Mobile Food Vendor Permit is valid for one (1) year from the month in which the permit was issued. This permit shall be posted in a visible location on the food truck.
3. The Mobile Food Vendor shall have the signed approval of the property owner for any location at which the Mobile Food Vendor operates.
4. Mobile Food Vendors operating on Town-owned property must provide evidence of at least \$300,000 liability insurance coverage.
5. Mobile Food Vendors shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Vendor permit and shall be placed in a conspicuous location on the vehicle for public inspection.
6. *Zoning permit required for property use:* No land may be used for a Mobile Food Vendor operation until a certificate of zoning compliance shall have been issued to the property owner. The zoning permit shall be for Mobile Food Vendor operations as either a commercial primary use or as an accessory to a commercial use. Zoning district yard setbacks shall apply to any Mobile Food Vendor location.

**c. Locations and Restrictions.**

1. Permitted Mobile Food Vendors may operate on private property that has a valid zoning permit for Mobile Food Vendor use within the following districts:  
  
R-3 Resort Residential: with a special use permit when in conjunction with a hotel, motel, lodge or resort; or as an accessory use to an existing restaurant  
CN Commercial Neighborhood District  
CTC Commercial Town Center District  
CG Commercial District  
CSG Commercial Shopping Center District  
S-1 Scenic Natural Attraction District  
GU Governmental Institutional Use District, upon approval of Town Council

## Minutes of the November 8, 2022 Regular Town Council Meeting

2. Permitted Mobile Food Vendors may operate on private property as an accessory use to a legally permitted campground in any zoning district.
3. Permitted Mobile Food Vendors may operate on Town-owned property with approval from Town Council regardless of the zoning district.
4. Permitted Mobile Food Vendors may be utilized for a specific, temporary event in conjunction with the following uses, regardless of the zoning district in which they are located:
  - Primary Event Venues in connection with an event at the venue.
  - Accessory Residential Event Venues in connection with an event at the venue.
  - Churches or school, in connection with temporary event on that location.
  - Town Council approved Farmers' Markets with Mobile Food Vendor(s) use approved.
  - Town Council approved festival or event with Mobile Food Vendor(s) use approved.
  - Residences, in connection with a private event at the residence.
5. The Mobile Food Vendor vehicle shall be positioned at least 100 feet from the customer entrance of an existing restaurant during its hours of operation, unless the Mobile Food Vendor operator provides documentation from the restaurant owner supporting a closer proximity.
6. The Mobile Food Vendor vehicle shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes. The Mobile Food Vendor vehicle must also be positioned at least 15' away from fire hydrants, any fire department connection, driveway entrances, alleys, or handicapped parking spaces and must have at least three off-street parking spaces in addition to spaces required by Section 36-218 for any other existing uses on parcel.
7. These Mobile Food Vendor permitting requirements, rights or privileges shall not apply in any respect to food vending at any event that is approved and sanctioned, or sponsored, by Town Council. Town Council shall consider the recommendations of the Police Chief, Fire Chief and Community Development Director when approving specific, individualized requirements, rights and/or privileges for any such event.

### **d. Public Safety and Nuisance Provisions**

1. A trash receptacle shall be provided for customers. Town trash receptacles do not satisfy this requirement. All associated equipment, including trash receptacles, must be within five (5) feet of the Mobile Food Vendor vehicle.
2. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
3. No liquid, grease or solid wastes may be discharged from the Mobile Food Vendor. Absolutely no waste may be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
4. Mobile Food Vendor vehicle must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the vehicle. All National

## Minutes of the November 8, 2022 Regular Town Council Meeting

Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.

5. If the Mobile Food Vendor vehicle operates after dark, the Vendor shall provide appropriate lighting. Lighting shall be such that minimizes the glare on roadways and surrounding properties.
6. No signage shall be allowed other than signs permanently attached to the Mobile Food Vendor vehicle and one (1) sandwich style menu sign.
7. The noise level from the Mobile Food Vendor vehicle and operations shall comply with the Town's noise ordinance.
8. Mobile Food Vendors shall only operate between the hours of 7am to 11pm.

### **e. Revocation of permit**

1. The permit issued for the Mobile Food Vendor operator may be revoked if the Vendor violates any of the provisions contained in this article; or any Environmental Health Department, county or state regulation pertaining to mobile food vendor operations.
2. If at any time evidence of the improper disposal of liquid waste or grease is discovered, all permits for the Mobile Food Vendor shall be rendered null and void, and the operation within the Town will cease.
3. If at any time, the Environmental Health Department revokes or suspends the issued food vending permit, all Town permits shall be revoked or suspended simultaneously.
4. The town manager may revoke a permit if he or she determines that the Mobile Food Vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

### **f. Exceptions**

1. A temporary event sponsored by local schools, churches, registered not-for-profit organizations, or the local Chamber of Commerce may have Mobile Food Vendor permit fees waived or reduced with recommendation of Zoning Administrator and Town Council approval.
2. Actively operating restaurants within the Town limits may apply for up to one (1) waived Mobile Food Vendor permit fee. The Mobile Food Vendor permit will still be required.

### **g. Penalties.**

1. Any violation of subsections B, C, and D shall constitute a civil violation and subject the violator to a civil penalty in the amount of fifty dollars (\$50.00). Each day that a violation continues uncorrected shall constitute a separate violation. In addition, these violations subject the vendor to permit revocation as outlined in subsection (E).

Minutes of the November 8, 2022 Regular Town Council Meeting

2. The Code Enforcement Officer and his/her designees are authorized to determine the existence of the violations and to assess the civil penalties established by this article by issuing a citation to the person determined to be in violation or by sending a letter to the vendor responsible for the violation. Any such notice or citation shall state the nature of the violation and the procedures available for review of the penalty imposed.
3. Any violation and penalty assessed under this article may be appealed to the town manager provided such appeal is filed with the town manager's office within fifteen (15) days after notice of said civil penalty. If an appeal is timely filed, the manager or his designee shall conduct an administrative hearing; shall consider any information the party assessed the penalty presents; and shall render a decision on the appeal within ten (10) days of the conclusion of the hearing. If no appeal is filed, the determination of the Code Enforcement Officer or his or her designee shall be final.
4. Any penalty not paid within thirty (30) days of assessment, or the conclusion of any appeals taken under the provisions of this section may be recovered by the town in a civil action in the nature of the debt. In addition to the penalties and remedies provided by this section, the Town may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Section.

**SECTION TWO.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08A to be consistent with the Lake Lure Comprehensive Plan because it improves the tourism and employment in relation to food services.

**SECTION THREE.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08A to be reasonable and in the public interest because it allows mobile food vendors to operate outside of Town sanctioned events, while maintaining the needs of Lake Lure and relieving event organizers and mobile food vendor operators of being required to complete redundant permitting steps.

**SECTION FOUR.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION FIVE.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

<b>VI. COUNCIL LIAISON REPORTS &amp; COMMENTS</b>
---

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and the Parks and Recreation Board.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board.

Commissioner Jim Proctor reported the activities of the ABC Board.

Mayor Pritchett reported that the Lake Lure Steering Committee did not meet.

**VII. PUBLIC COMMENT**

Mayor Carol C. Pritchett invited the audience to speak.

Jeff Geisler, Rumbling Bald Resort, thanked Michael Williams for his hard work with the Town and with Rumbling Bald.

Maureen Bay, 193 Deer Trail, announced that the Lake Lure Art Show will be Saturday, November 12th. Mrs. Bay noted that Lake Lure Flowering Bridge depends on donations and that the Lake Lure artists made the Art Show possible with their participation in the online action of the bears. Mrs. Bay invited everyone to support the artists at the Lake Lure Art Show.

Laura Doster, 274 Thomas Edison Road, invited all in attendance to the upcoming fundraiser Great Gatsby Gala from 6:00 p.m. to 10:00 p.m. on December 1<sup>st</sup> at the Lake Lure Inn.

There were no further comments from the public.

**VIII. CONSENT AGENDA**

Mayor Carol C. Pritchett presented the Consent Agenda and asked if any other items should be removed before calling for action.

Commissioner Proctor made a motion to approve the Consent Agenda, as presented. Commissioner Doster seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approval of the October 11, 2022 Regular Town Council Meeting Minutes and the October 26, 2022 Regular Town Council Work Session Meeting Minutes
- B. Accounting Clerk I Position Description Addition of License Requirement
- C. Resolution No. 22-11-08 Authorizing Electronic Advertisement of Bids
- D. Ordinance No. 22-11-08B Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.



**RESOLUTION NO. 22-11-08**

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL  
AUTHORIZING ELECTRONIC ADVERTISEMENT OF BIDS**

**WHEREAS**, N.C.G.S. 143-129(b) specifically allow public agencies to advertise bid opportunities solely by electronic means upon approval from the governing board; and

**WHEREAS**, The Town of Lake Lure desires, at the discretion of the Town Council, to advertise bids subject to the requirements of N.C.G.S 143-129 by electronic means.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Lake Lure, North Carolina:

**Section 1.** The Town of Lake Lure Town Council hereby authorizes the advertisement of bids subject to the requirements of N.C.G.S. 143-129 by electronic means.

**Section 2.** The Town of Lake Lure shall meet all requirements specified in N.C.G.S. 143-129.

**ORDINANCE NUMBER 22-11-08B**

**AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 4-2(C).  
DANGEROUS DOGS; BARKING; LEASH REQUIREMENTS.**

**WHEREAS**, Section 4-2(c) of the Town of Lake Lure Code of Ordinances establishes leash requirements for Town owned parcels; and

**WHEREAS**, The Town of Lake Lure find it necessary to clarify the interpretation of proper restraint by a leash; and

**WHEREAS**, It is within the best interest of the Town of Lake Lure and Lake Lure residents that leash requirements are reasonable and comprehensible.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** The Town of Lake Lure Code of Ordinances Section 4-2(c) is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**Sec. 4-2. Dangerous dogs; barking; leash requirements.**

- (c) It shall be unlawful for any person owning, having possession, charge, care, custody or control of a dog to allow such dog to enter any town owned parcels,

including, but not limited to, Lake Lure Town Hall, Washburn Marina, Morse Park, Dittmer Watts Nature Trail and Lake Lure Greenspace without being properly restrained by a visible leash not exceeding six feet in length secured by a leash, lead or other means of physical restraint not exceeding 10 feet in length, which leash, lead or other means of physical restraint is not harmful or injurious to the dog and which is held by a responsible person capable of physically restraining the dog. This section shall apply to all dogs with the following exceptions:

- (1) Dogs used or being trained for law enforcement by law enforcement officials.
- (2) Service animals, as defined by the Americans with Disabilities Act, used by authorized persons and under the control of such persons.
- (3) Dogs in specified off-leash areas as designated by the town.
- (4) Dogs fulfilling a specific town or public purpose, per authorization from the town.

**SECTION TWO.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION THREE.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

## **IX. UNFINISHED BUSINESS**

### **A. REQUEST FROM PROPERTY OWNER, JOSHUA SKUDLARICK, OF 315 LAKEVIEW ROAD FOR WRITEN APPROVAL FROM TOWN COUNCIL FOR ADDING FILL AT OR BELOW THE LAKE SHORELINE. (PARCEL #225319)**

Director Williams noted he had been working with Mr. Skudlarick and the Army Corp of Engineers, and explained that the Town had finally received a response from the Army Corp of Engineers which expressed that the Town can continue the practice of re-sanding the beaches to the minimum amount. Director Williams recommended Council approval of Mr. Skudlarick's request to add fill at or below the shoreline.

Commissioner DiOrio noted that the Town should have information regarding all of the beaches in the Town and asked if the Town has a list. Director Williams noted he has a preliminary list, including photos of most of the beaches. Commissioner DiOrio and Commissioner Doster expressed that they are not in favor of allowing any additional beaches in the Town, but supported the allowance of filling existing beaches to the minimum amount. Director Williams noted that Town staff would not permit any new beaches. Attorney Morgan asked if beach owners will be required to submit a request to Town Council each time they refill their beaches and Director Williams noted that the Community Development Department is crafting guidelines for maintenance of existing beaches.

Commissioner Bryant made a motion to approve the request from property owner, Joshua Skudlarick, of 315 Lakeview Road for written approval from Town Council for adding fill at or below the lake shoreline. Commissioner DiOrio seconded and the motion carried 4-0.

**IX. UNFINISHED BUSINESS**

**B. APPROVAL OF INTENT TO DISCUSS RENEWAL OF AN AGREEMENT TO OPERATE WATER SYSTEM WITH CHIMNEY ROCK VILLAGE**

Town Manager Hank Perkins noted that the renewal of an agreement to operate water system with Chimney Rock Village was discussed at the October work session because the Village had provided the Town with a notice of desire to renew an agreement. Mr. Perkins noted that the Town has 60 days to respond to Chimney Rock Village. Mr. Perkins explained that the Village has agreed to provide the Town with a propose draft agreement by December 1st.

Commissioner DiOrio made a motion to authorize Town staff to proceed with negotiations in regard to renewing a future Agreement to Operate Water System. Commissioner Bryant seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**A. CONSIDER AMENDING MOBILE FOOD VENDOR PERMIT FEE ON FY 22-23 FEE SCHEDULE**

Manager Perkins explained that since Town Council adopted Ordinance No. 22-11-08A, it has been recommended by the Zoning and Planning Board that the Fiscal Year (FY) 2022-2023 Fee Schedule be revised for the purpose of reducing them mobile food vendor fee from \$160 to \$100.

Commissioner Proctor asked Director Williams if property owners who have a mobile food vendor operating on their property need certificates and what classification would be needed. Director Williams – commercial and one time \$330 permit fee.

Commissioner Doster made a motion to amend the FY 2022-2023 Fee Schedule to decrease the mobile food vendor permit fee from \$160 to \$100. Commissioner Bryant seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**B. BUDGET AMENDMENT # 345**

Manager Perkins explained that Budget Amendment #345 is related to sewer system work. Manager Perkins noted that the Town is applying for and anticipating reimbursement through American Rescue Plan Act (ARPA) funding, but in order to make appropriate payments prior to receiving the reimbursements, the Town needs a line item added to the budget. Manager

Perkins detailed that Budget Amendment #345 is for \$800,000 and noted there will be an updated, accurate capital project ordinance in the future.

Commissioner DiOrio asked if the money will go towards multiple tasks. Manager Perkins noted that the updated capital project ordinance will lay out all line items, including those anticipated to be reimburse through ARPA funds. Commissioner DiOrio asked if money spent from the Water/Sewer fund will be put directly back into the Water/Sewer fund following reimbursements and it was confirmed that the money will be put directly back into the Water/Sewer fund. Commissioner DiOrio asked if there is enough money in the Water/Sewer fund to cover payments prior to reimbursements and Manager Perkins expressed that it should not be an issue.

Commissioner DiOrio made a motion to approve Budget Amendment #345. Commissioner Bryant seconded and the motion carried 4-0.

## **XI. CLOSED SESSION**

Commissioner Bryant made a motion to enter closed session in accordance with G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters. Commissioner Doster seconded and the motion carried 4-0.

During the closed session, Council members completed the six month performance evaluation of the Town Manager.

Commissioner DiOrio made a motion to return to open session. Commissioner Proctor seconded and the motion carried 4-0.

Following Close Session, Commissioner Proctor made a motion to amend the agenda to add Item C under Section X “New Business” for the purpose of discussing the November work session and meeting calendar.

## **X. NEW BUSINESS**

### **C. NOVEMBER WORK SESSION AND MEETING CALENDAR**

Members of Council discussed conflicts between the November 23<sup>rd</sup> work session meeting and the Thanksgiving holiday.

Commissioner Bryant made a motion to postpone the November work session meeting until Wednesday, November 30<sup>th</sup> at 8:30 a.m. Commissioner DiOrio seconded and the motion carried 4-0.

**XII. ADJOURNMENT**

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 7:10 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett



**MINUTES OF THE SPECIAL WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, NOVEMBER 30, 2022, 8:30 A.M. AT THE LAKE LURE TOWN HALL**

**PRESENT:** Mayor Carol C. Pritchett  
Mayor Pro Tem David DiOrio  
Commissioner Patrick Bryant  
Commissioner Jim Proctor  
Commissioner Scott Doster

William Hank Perkins, Jr., Town Manager  
William Morgan, Jr., Town Attorney  
Stephen Ford, Finance Director  
Dean Lindsey, Public Services Director  
Michael Williams, Community Development Director  
Sean Humphries, Police Chief  
Laura Krejci, Communications Director  
Laura Doster, Chamber of Hickory Nut Gorge

**ABSENT:** N/A

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the round table meeting to order at 8:30 a.m.

**II. AGENDA ADOPTION**

Commissioner David DiOrio requested to move items XIII and XIV to items IV and V and renumber remaining items accordingly. Commissioner Patrick Bryant requested to add personnel under the closed session item, along with the existing closed session item for attorney client privilege.

Commissioner DiOrio made a motion to adopt the agenda, as amended. Commissioner Bryant seconded and the motion carried 4-0.

### **III. DISCUSS 2023 FIREWORKS**

Town Manager Hank Perkins introduced Laura Doster with the Chamber of Hickory Nut Gorge and noted that the Chamber had contacted the Town with a request to take over a few responsibilities, one of which is the 4<sup>th</sup> of July fireworks. Manager Perkins noted that the Town was responsible for the fireworks in past years. Manager Perkins invited members of Council to discuss the matter with him and Mrs. Doster.

Mrs. Doster noted that the Chamber had helped lead the fireworks in the past, Mayor Cooley had requested to take over the fireworks event, and the Chamber took back the responsibility after his passing. Mrs. Doster also noted that the cost had been split between Chamber, Town, and Chimney Rock Village in the past. Mrs. Doster described some of the future details of the Chamber and reasoning behind the request to transfer responsibility of the fireworks to the Town. Mrs. Doster noted that there had been a past agreement between Chamber and Rumbling Bald Resort in regard to alternating firework locations between the 3<sup>rd</sup> and the 4<sup>th</sup> of July, and noted that this year the Town's fireworks would be on the 4<sup>th</sup>, but the Chamber's provider is likely unavailable on the 4<sup>th</sup>, but there is still a possibility that he be made available. Mrs. Doster noted that the provider's pricing has increased, but will remain \$15,000 or less.

Mrs. Doster shared that the Chamber was approached by a few businesses in the community regarding the hardships created by the firework events with traffic, table turn over, and other issues.

Ms. Liz Geary with Rumbling Bald noted that Rumbling Bald would like to stick to current alternating schedule.

Mrs. Doster noted that in the past, the Town had paid \$4,000, the Village paid \$500 to \$1000, and the Chamber contributed the remaining balance, but the Chamber has paid the full price in more recent years. Mrs. Doster noted it is still on the Chamber's budget this year and they would still be willing to help. Mayor Pritchett asked if Chimney Rock Village would still be interested in participating and Mrs. Doster answered that she had contacted the Village and has not received a response.

Commissioner Proctor expressed concern regarding the business hardship mentioned previously and provided some history on the event. Commissioner Proctor expanded that he enjoys the event, but is also concerned with the amount of money spent. Mrs. Doster mentioned that the Rutherford County Tourism Development Authority (TDA) has a grant opportunity for up to \$3,000 for events that Chamber had been rewarded in the past for about \$1,500. Commissioner Doster asked what the Chamber's budget is for fireworks and Mrs. Doster noted that it is dependent upon the outcome of this conversation.

Commissioner DiOrio asked what Rumbling Bald pays for the fireworks and Ms. Geary answered \$15,000. Commissioner DiOrio suggested exploring options with Rumbling Bald to have on big firework show. Mrs. Doster noted that based on conversation with Rumbling Bald

representatives, the Rumbling Bald event is a private event and outsiders will not be able to park in the resort, so those who do not have boats will not be able to view. Discussion was held as to what deal could be made. Ms. Geary noted that parking in Rumbling Bald is already an issue and there would not be enough to accommodate additional people. Mrs. Doster explained that parking is very structured at the Town's event, with police and other players involved, and noted that it would be a hardship for Rumbling Bald to increase parking. Commissioner DiOrio noted support for combining the Town and Rumbling Bald firework event and Ms. Geary expressed various concerns on behalf of Rumbling Bald. Commissioner DiOrio questioned if the Town wants to use ad valorem taxes to sponsor a town event for non-residents. Mrs. Doster reiterated that the Chamber and other parties could still help with funding. Manager Perkins noted that it is less about economics and more about the capacity to take on a project such as this. Mrs. Doster noted that Town would take over contracting, which would possibly require bids. Commissioner Doster asked Police Chief Humphries if a shift in responsibilities would affect the operations of the police and fire and Chief Humphries expressed no changes or issues. Commissioner Doster noted that price change will not be significant.

Concern was expressed over the congestion that fireworks cause for residents.

Mayor Pritchett suggested that the Town could look at having fireworks on another holiday, if the contractor would be amenable to looking at other dates. Commissioner DiOrio proposed to review if the town has the bandwidth to do this and explore working with the Chamber on what some other dates could be. Commissioner Proctor noted that there used to be a Christmas boat parade, one of which had fireworks included, and noted that would likely be outside of drawdown periods. There was consensus from Council to look at alternatives and additional details. Manager Perkins noted that this could be revisited at the December work session, and that he will work with the Chamber to gather more information.

Commissioner DiOrio expressed that the Town should notify the contractor whether or not the town wants to pursue the 4<sup>th</sup> in the upcoming year. Commissioner DiOrio recommended shifting the 4<sup>th</sup> of July fireworks and look at alternative dates. There was consensus from Council.

#### **IV. ORDINANCE NO. 22-11-30 AMENDING CAPITAL ORDINANCE NO. 22-01-11**

Manager Perkins deferred to Finance Director Stephen Ford. Director Ford noted that the capital project ordinance allows the town to be more transparent and structured in accounting methods. Director Ford expanded that Ordinance No. 22-11-30 amends the original capital project ordinance for the purpose of adding expenses related to equipment purchases, engineering costs. Director Ford noted that listed revenues include loans. Manager Perkins noted the capital project ordinance is a legal requirement, and that it will be something that runs through all expenses and revenues, allows forensic evidence, and will change periodically based on revenues and expenses.

Director Ford explained that funding expenses within the ordinance will first come from general fund, but will then will be reimbursed through American Recue Plan Act (ARPA) or other grants, and money will be due-back to the general fund following reimbursements. Manager Perkins noted that the capital ordinance will eventually show how all money was spent and received.



Commissioner DiOrio asked if the reimbursements from the green line and brown project is accounted for in the capital project ordinance and Director Ford answered yes, it is accounted for.

Manager Perkins noted that moving forward, he would like to have capital project ordinances for all major projects.

Director Ford noted there will be no significant impacts to general fund.

Commissioner Doster made a motion to adopt Ordinance No. 22-11-30 Amending Capital Project Ordinance No. 22-01-11. Commissioner DiOrio seconded and the motion carried 4-0.

**ORDINANCE NO. 22-11-30**

**AN ORDINANCE AMENDING CAPITAL PROJECT ORDINANCE NO. 22-01-11**

**WHEREAS**, The Town Council and the Town of Lake Lure adopted Capital Project Ordinance No. 22-01-11 on January 11, 2022; and

**WHEREAS**, Town staff has determined that it is necessary to add additional expenditures related to engineering services and loan origination fees; and

**WHEREAS**, Town staff has also determined that it is necessary to add \$1,000,000 due from the general fund that is reimbursable through state funds.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN SPECIAL SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Capital Project Ordinance No. 22-01-11 is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**Lake Lure SASS Replacement & Sewer Upgrades Phase I**

**Section 1.** The project includes the installation of a sewer access valve in the Lake Lure hydroelectric dam, the installation of a section of the gravity/pump HDPE perimeter sanitary sewer system, consisting of approximately 14,403 LF of 14-inch and 1,950 LF of 16-inch HDPE gravity sewers, 1,271 service connections, and 19 manholes. Wastewater Treatment Plant work

consisting of the installation of a grit removal system, the rehabilitation of the fine screen, and the demolition and replacement of the existing digester at the Lake Lure Wastewater Treatment Plant.

**Section 2.** The officers of the Town of Lake Lure are hereby directed to proceed with the capital project within the terms of the council’s resolution, loan documents, grants and the budget contained herein.

**Section 3.** The following amounts are appropriated for the project:

Sewer Access Valve		\$2,000,000
ER-EID, SOC		\$426,386
Design/Engineering	<del>\$100,000</del>	<u>\$1,050,000</u>
Design Build		\$15,369,614
Design, permit, bid		\$354,000
Construction		\$2,500,000
<u>Loan Origination Fees</u>		<u>\$50,000</u>
<u>Equipment</u>		<u>\$750,000</u>
<b>Total</b>	<b>\$20,750,000</b>	<b><u>\$22,500,000</u></b>

**Section 4.** The following revenues are available for this project:

Loan from North Carolina Dept. of Environmental Quality- Division of Water Infrastructure- Clean Water State Revolving Fund		\$12,750,000
NC Budget Allotment		\$8,000,000
Local Funds		\$250,000
<u>General Fund/Reimbursable State Funds</u>		<u>\$1,750,000</u>
<b>Total</b>	<b>\$20,750,000</b>	<b><u>\$22,500,000</u></b>

**Section 5.** The finance officer is hereby directed to maintain within the Capital Project Fund, sufficient detailed accounting records related to the project.

**Section 6.** The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3.

**Section 7.** The budget officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

**Section 8.** Copies of this capital project ordinance shall be furnished to the Clerk to Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

**SECTION TWO.** This Ordinance shall take effect upon adoption.

**V. RESOLUTION NO. 22-11-30 REVERSING BUDGET AMENDMENT #345**

It was noted that all details in regard to Resolution No. 22-11-30 were discussed under the previous item.

Commissioner Bryant made a motion to adopt Resolution No. 22-11-30 Reversing Budget Amendment #345. Commissioner DiOrio seconded and the motion carried 4-0.

**RESOLUTION NO. 22-11-30**

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL  
REVERSING BUDGET AMENDMENT #345**

**WHEREAS,** Town Council approved Budget Amendment #345 for \$800,000 on November 2, 2022 for the purpose of funding sewer system related bills eligible for American Rescue Plan Act (ARPA) reimbursement; and

**WHEREAS,** Town staff has since determined that it would be appropriate to fund such bills through the general fund rather than the water and sewer fund balance; and

**WHEREAS,** It has been determined that the Town shall reflect such expenditures through Ordinance No. 22-11-30 Amending Capital Project Ordinance No. 21-01-11 and

**WHEREAS,** Town staff finds it necessary to reverse Budget Amendment #345.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Lake Lure, North Carolina:

**Section 1.** The Town of Lake Lure Budget Amendment #345 shall be reversed.

**Section 2.** The Town of Lake Lure shall utilize the general fund balance to fund sewer system related expenses accounted for in Budget Amendment #345 and reimburse such expenditures through ARPA.

## **VI. RUBY-COLLINS CONTRACT AMENDMENT**

Manager Perkins noted that he had sent out an email yesterday explaining that Ruby-Collins had requested Council consideration for approving the proposed amendments to the agreement between Ruby-Collins and the Town, though the originally approved plan was to consider approval at the regular Council meeting in December. Manager Perkins relayed that Ruby-Collins' increased urgency is a result of concern regarding procurement of parts.

Commissioner Doster expressed concern regarding the change in time-line of approval. Commissioner DiOrio asked if the timeline of the drawdown will be impacted and Manager Perkins noted that the Town is still on schedule in terms of the drawdown.

Manager Perkins provided Council with the preliminary budget including the amendments proposed by Ruby-Collins. Manager Perkins pointed out that not all of the money in the budget will be spent if the Town staff performs the greasing, fueling, and other maintenance as planned. It was noted that that Director Lindsey is working on preparations.

Manager Perkins explained that Ruby-Collins will need to bill the Town every month for cost to completion, but should sent less formal invoice every two weeks. Manager Perkins noted that there will be a lot of backup material on the invoices and receipts.

Commissioner Doster asked if the Town staff will be able to do this work and Manager Perkins expressed that he and Director Lindsey are confident that work can be performed, but the money is budgeted for Ruby-Collins to complete maintenance work if Town staff is not able to. Commissioner Diorio expressed support for treating the work completed in the upcoming drawdown as a trial run to building a solid and consistent plan. Manager Perkins confirmed that invoices and work that can be completed by Town will be evaluated every two weeks.

Commissioner Bryant made a motion to approve the authorization for signing the Ruby-Collins Agreement Amendment 01 amending the design-build agreement for the Subaqueous Sanitary Sewer Replacement Project. Commission DiOrio seconded and the motion carried 4-0.

## **VII. HDD BID UPDATE**

Manager Perkins explained that no bids were received for the HDD Project. Manager Perkins proposed holding a new bidding process in January, which should allow time for the schedule for the

project to remain on-course. Manager Perkins noted that if no bids are received in January, further bidding advertisements will have to be submitted.

## **VIII. CENTRIFUGE DISCUSSION**

Manager Perkins explained that a centrifuge was previously in the Town's plan as a viable option to assist with issues associated with the wastewater treatment plant and that the centrifuge project was originally estimated to cost \$800,000, but Town staff has more recently been informed that the estimated cost for the project is \$1.9 million. Manager Perkins noted that he had conversed with Tim Heim with the North Carolina Department of Environmental Quality, who expressed no concern if the Town changes course of the originally planned centrifuge in the Special Order by Consent (SOC). Manager Perkins suggested postponing the centrifuge project and reviewing other options. Manager Perkins also noted that it is not yet known if the Town will receive additional American Rescue Plan Act (ARPA) funds and that this knowledge could be crucial in deciding whether or not to move forward with the centrifuge.

Commissioner Doster asked about renting a centrifuge. Director Lindsey noted that the centrifuge would be beneficial, but with new cost estimates and plans to eventually relocate the treatment plant, there are a lot of unknowns.

Director Lindsey explained how Town staff is currently working to maintaining the system with a belt press, which Town can rent a couple times a year for about \$50,000 to \$60,000. Commissioner DiOrio asked if Town staff operates the belt press. Director Lindsey stated that the contracted operator performed the operations in the past, but it is possible that Town staff could operate in the future. Commissioner DiOrio noted the Town should factor in the extra chemicals being used at the plant in order for it to be maintained. Commissioner DiOrio asked how much a belt press mobile option would cost and Director Lindsey explained that he could look into a long term lease. Commissioner DiOrio requested that Town staff perform a cost-avoidance review regarding belt press operations and methods of procurement. Commissioner DiOrio also noted that if the Town staff purchased a belt press, operations could be completed more frequently, and the Town would likely save money spent on chemicals and Director Lindsey agreed.

Director Lindsey agreed to compile information regarding the purchase of a belt press and added that he would likely need additional staff if his department takes responsibility of operating a belt press.

There was consensus from Council to have Town staff conduct a cost-study review. Manager Perkins noted the study will be dependent on ARPA funding information. Director Lindsey noted that he would have a price and cost avoidance review and any additional information by the regular Council meeting on the December 13<sup>th</sup>. Manager Perkins noted SOC can be updated according to Council's overall determination.

## **IX. CAMERA UPDATES**

Director Lindsey provided Council with an update that the total amount for the camera and security system discussed at a previous work session is estimated at \$60,000 to \$70,000. Director Lindsey noted that he is in the process of deciphering what amount will be used for the lift station and

wastewater treatment plant, because this portion may be eligible for reimbursement through ARPA funds. Director Lindsey expanded that he is still uncertain whether or not the North Carolina Department of Environmental Quality will allow reimbursement through ARPA. Mayor Pritchett asked if locking system is included in price and Director Lindsey answered that it is included and would only be installed at Town Hall. Commissioner DiOrio asked if the cameras will be tied into the existing police camera system and Director Lindsey answered that the cameras would be cloud-based, so they could be fed-into the police station system.

**X. REVIEW REQUEST TO APPEAL DENIAL OF LAKE STRUCTURE  
VARIANCE REQUEST #2022003**

Community Development Director Michael Williams explained that at the November 15<sup>th</sup> Lake Structure Appeals Board meeting, the Board denied Variance Request #2022003. Director Williams detailed that the variance request from a resident located at 179 Dogwood Drive, occurred following re-construction of a covered lake structure that had previously been destroyed. Director Williams noted that the resident had applied for a permit to rebuild the dock and Town staff approved the submitted plans, but following inspection of the structure post-construction, it was identified that the structure was not built to plan and was 18' feet tall which exceeds the 15' height limitation. Director Williams expanded that the Lake Structure Appeals Board determined that there was no true hardship and that granting the variance would be unjustifiable.

Director Williams noted that the Town of Lake Lure Code of Ordinance allows decisions of the Lake Structure Appeals Board to be appealed by an applicant or an affected property owner to the Town Council within 30 days of a decision. Director Williams explained that the property owner's engineering firm, Odom Engineering, had submitted a request to appeal the denial of Variance Request #2022003 and that the hearing will take place at the December 13<sup>th</sup> regular Council meeting.

Town Attorney William Morgan noted that the hearing is on the record, there will be no new information or hearings. Attorney Morgan further explained that no one will be sworn in under oath because it is not quasi-judicial hearing.

Commissioner DiOrio asked what the recourse would be if Council does not grant the requested appeal and Attorney Morgan noted that the Ordinance states that Town Council's decision is final.

**XI. LAKE STRUCTURE ORDINANCES DISCUSSION**

Commissioner Doster noted that at the last Zoning and Planning meeting, a local contractor participated in the public comment period and his comments lead to questions and discussions as to which board makes recommendations and dictates the lake structure ordinances.

Council members were provide with an email conversation between the Town Attorney William Morgan and the Town Clerk, in which Attorney Morgan noted that the Town Council is responsible for adopting the lake structure ordinances. Town Attorney Morgan advised that since lake structure ordinances are in the realm of planning and regulation of development, the Zoning and Planning Board should hold public hearing and make recommendations to Council in regard to lake structure ordinances.

Commissioner Proctor noted that in the past, lake structures ordinances would go to the Zoning and Planning Board for recommendation, then to the Lake Advisory Board for recommendation, and finally Town Council for consideration of adoption. Mayor Pritchett noted that a joint board meeting could take place as well.

There was agreeance from Council members that any lake structure ordinance changes should be reviewed and recommended should be made by the Zoning and Planning Board and the Lake Advisory Board, before coming to Council for final approval.

## **XII. REVIEW PROPOSED ORDINANCE AMNDING LAKE STRUCTURE REGULATIONS**

Attorney Morgan explained that in order to codify a local bill regarding the location of pilings for the sewer system, the Town should incorporate language into the lake structure ordinances that is similar or the same language that was approved under the Lake Use Regulations in regard to the matter. Commissioner DiOrio expressed support and noted that it would be beneficial to codify a local bill in order to enable an appeal process for lake structures that can go to the Lake Structure Appeals Board. Attorney Morgan noted that the proposed changes to the lake use regulations should go to Zoning and Planning Board for review, based on the discussion under the previous item, and that the Lake Advisory Board had already reviewed and recommended the language when revising the Lake Use Regulations.

## **XIII. DISCUSS AMENDING CHAPTER 30 TRAFFIC AND VEHICLES OF THE CODE OF ORDINANCES**

Attorney Morgan explained that there was past confusion about appealing a parking ticket to the Marine Commission. Attorney Morgan explained that the proposed changes to the code of ordinances will treat parking violations as civil citations and remove appeals, which will allow the Town to receive money from parking violations. It was noted that Police Chief Sean Humphries recommended a \$50 and will increase if not paid by a certain amount of time.

There was Council consensus of support for the recommended changes.

Commissioner Proctor asked if this item be put on consent agenda at the regular December meeting. Attorney Morgan expressed that the ordinance will not require a public hearing, so putting it on the consent agenda would likely be no issue.

## **XIV. 20' DRAIN PROJECT UPDATE**

Manager Perkins explained that the two drain valves are on schedule to be delivered in May. Manager Perkins further explained that the Town plans to advertise for bids for the installation of the valves in January, have the notice to proceed issued in April, and have valves installed by the end of summer 2023.

Director Krejci provided an update on related FEMA grants. Director Krejci detailed FEMA's grant processes and expressed that she is currently submitting required forms. Director Krejci noted that she is trying to confirm amount of money awarded, but noted that the Town requested a full amount of \$430,000 and \$1.9 million for construction project.

Director Krejci noted that timing is a challenge because FEMA's approval processes can be lengthy. Director Krejci detailed that FEMA must complete an environmental review through the NC Historical Preservation Office before disbursing the funds to the Town, but the Town must move forward with contracts in order to meet deadlines and stay on schedule. Manager Perkins noted that if FEMA does not approve certain grants in a timely manner, the Town must proceed with contracts without being able to use FEMA funding. Commissioner Diorio expressed concern regarding the timeliness of NC Dam Safety approving the project, as well. Director Krejci agreed and noted that she has expressed concerns to Dam Safety. Director Krejci recommended holding a Council meeting with representatives from Dam Safety. Council members agreed.

Manager Perkins noted that Schnabel Engineering had not expressed any concern with valve installation timeline, just the grant projects.

## **XV. DISCUSS FINANCIAL REPORTS**

Director Ford asked members of Council what type of financial information they would like to have reported to them and how often they would like reports presented to them. Director Ford noted that he currently provides expenditures, revenues, and monthly activity report. Director Ford expressed that there might be increased details desired moving forward with major projects. Director Ford sked what would be beneficial to Council in regard to decision making and planning. Manager Perkins asked what Council would like to see added to the existing reports.

Mayor Pritchett noted it would be beneficial to have an update on the capital projects funds and reimbursement details. Mayor Pritchett expressed this would be beneficial to decision making. Director Ford agreed to craft a report, have it approved by Manager Perkins, and provide it to Council.

Director Ford noted that the Town is still in the audit review and that there is a new requirement to review all leases per Governmental Accounting Standards Boards. Director Ford explained that some leases have had to be followed up on to see if they are current or in existence. Director Ford expressed appreciation for the audit team, but noted that there are new individuals involved in the process, so the approach is different from past years. Director Ford also mentioned that variances, such as engineering cost increases, are being reviewed in the audit process.

Commissioner DiOrio noted that the health of the particular funds is not necessarily the amount, but an expectation of ingress and egress of funds.



**XVI. REVIEW BUDGET CALENDAR**

Director Ford noted that Manager Perkins had provided him with budget calendars adopted in past years and that he crafted a proposed Budget Calendar for Fiscal Year 2023-2024 based on discussions. Manager Perkins noted that the Manager's proposed budget is going to be completed by May 9. Manager Perkins also noted that he desires adoption of the FY 23-24 Budget Ordinance at June 2023 regular Council meeting.

Commissioner DiOrio asked about Rutherford County's timeline with reassessment of taxes. Director Ford estimated that the Town will receive information from County in April. Commissioner DiOrio noted that this information will be important to determining the budget.

**XVII. REVIEW DIVISION OF WATER RESOURCES DEVELOPMENT GRANT RESOLUTION AND NO CONFLICT OF INTEREST CERTIFICATION**

Manager Perkins explained that the Town plans to apply for a Division of Water Resources Development Grant to assist in funding the Morse Park Master Plan Phase I. Manager Perkins provided Council members with a template for the Division of Water Resources Development Grant Resolution and a No Conflict of Interest Certification. Manager Perkins explained that the provided documents will be submitted along with the grant application and that the documents will require Council approval at the December regular meeting.

**XVIII. REVIEW 2023 TOWN COUNCIL MEETING SCHEDULE**

Town Council reviewed the proposed meeting schedule for 2023. There were no conflicts were expressed.

**XIX. DISCUSS COUNCIL RETREAT DETAILS**

Manager Perkins opened discussion regarding dates and other details for the Council planning retreat in January. There was Council consensus to hold the council planning retreat on January 11<sup>th</sup> beginning at 8:30 a.m. Town Clerk Olivia Stewman will add this to the calendar previously reviewed.

**XX. DISCUSS BOARD PRESENTATIONS**

Manager Perkins noted that on the Advisory and Statutory Board Handbook, there is a written requirement that the board chairs will provide a report to Council during the December Town Council meeting. Manager Perkins noted that Town Clerk Stewman had contacted Board chairs. It was discussed whether or not statutory boards should provide a report, or just advisory boards, and there was consensus to allow statutory boards to provide a report if they have specified goals.

**XXI. PROJECT MANAGER SEARCH UPDATE**

It was noted that this item will be discussed under closed session.

**XXII. CLOSED SESSION**

Commissioner Bryant made a motion to go into closed session in accordance with G.S. 143-318.11 (a) (3) for attorney client privilege and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters. Commissioner Proctor seconded and the motion carried 4-0.

During closed session, Council discussed a proposed easement with Equinox and the project manager position salary.

Commissioner Proctor made a motion to return to open session. Commissioner Doster seconded and the motion carried 4-0.

**XXIII. ADJOURNMENT**

Commissioner Bryant made a motion to adjourn. Commissioner DiOrion seconded and all voted in favor. The meeting was adjourned at 11:54 p.m.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Adoption of 2023 Town Council Meeting Schedule

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** B  
**Department:** Administration  
**Contact:** Olivia Stewman, Town Clerk  
**Presenter:** Olivia Stewman, Town Clerk

**BRIEF SUMMARY:**

Town Council reviewed the proposed 2023 meeting schedule at the November 30<sup>th</sup> work session meeting. A Council planning retreat on January 11<sup>th</sup> at 8:30 a.m. was added following the work session.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt the 2023 Town Council Meeting Schedule.

**ATTACHMENTS:**

Proposed 2023 Town Council Meeting Schedule

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval of the 2023 Town Council Meeting Schedule.

## TOWN COUNCIL MEETING SCHEDULE FOR 2023

DATE	LOCATION	TIME	TYPE
January 10, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
January 11, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Planning Retreat
January 25, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
February 14, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
February 22, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
March 14, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
March 22, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
April 11, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
April 26, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
May 9, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
June 13, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
June 28, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
July 11, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
July 26, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
August 8, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
August 23, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
September 12, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
September 27, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
October 10, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
October 25, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
November 14, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
November 29, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
December 12, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
December 19, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session

\* Regular Town Council meetings are held on the 2<sup>nd</sup> Tuesday of each month.

\* Work Session Meetings are held on the 4<sup>th</sup> Wednesday of each month except for November and December due to holiday conflicts.

\* Council planning retreat held on January 11<sup>th</sup>.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Adoption of Fiscal Year 2023-2024 Budget Calendar

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** C  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

Town Council reviewed the proposed Fiscal Year 2023-2023 Budget Calendar at the November 30<sup>th</sup> Work Session. No concerns were expressed.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt the Fiscal Year 2023-2024 Budget Calendar.

**ATTACHMENTS:**

Proposed FY 23-24 Budget Calendar

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval of the FY 23-24 Budget Calendar for the purpose of creating a timeline to successfully adopting a responsible and balanced budget.

## FISCAL YEAR 2023-2014 BUDGET CALENDAR

DEADLINE	TASK
Week of January 31 2023	Distribute FY 23-24 operational budget materials to department heads and key staff personnel. Also, Capital Improvement Program (CIP) also distributed for review and possible additions.
March 1, 2023-March 25, 2023	Departmental meetings with Finance (and Town Manager as necessary) to determine preliminary operational budget requests. Finance reviews with Town Manager. Draft recommended operational budget.
Week of April 1, 2023 - April 22, 2023	Budget sessions with staff, Manager and Finance continue. Revenue projections and estimates are generated. Final staff reviews and budget document editing. -CIP is finalized.
Late April, 2023	Revenue estimates finalized. County property tax value estimates due. Final Draft is completed
May, 2023	May 9 2022-Town Manager presents FY 2023-24 budget to Council at regular meeting. Council reviews. Council work sessions are scheduled throughout the month for changes to be incorporated into final budget document.
June 13, 2023	Hold public hearing on proposed budget. Adoption of budget.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Adoption of Resolution No. 22-12-13 Division of Water Resources Development Grant

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** D  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

The North Carolina Division of Water Resources offers a development grant that the Town of Lake Lure plans to apply for to help with funding the Morse Park Master Plan Phase I. The Town will submit Resolution No. 22-12-13 along with the grant application.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Resolution No. 22-12-13 Division of Water Resources Development Grant

**ATTACHMENTS:**

Resolution No. 22-12-13 Division of Water Resources Development Grant

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 22-12-13 Division of Water Resources Development Grant



**RESOLUTION NO. 22-12-13**

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL FOR THE DIVISION OF WATER RESOURCES DEVELOPMENT GRANT**

**WHEREAS**, the Town of Lake Lure Town Council desires to sponsor Morse Park Master Plan Phase I Project to include development, renovation, and enhancement of a paved path, playground, picnic area, bathroom with showers, and parking.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Lake Lure, North Carolina:

**Section 1.** The Council requests the State of North Carolina to provide financial assistance to the Town of Lake Lure for the Morse Park Master Plan Phase I in the amount of \$200,000 or 50 percent of the nonfederal project costs, whichever is the lesser amount;

**Section 3.** The Council/Board will obtain all necessary State and Federal permits;

**Section 4.** The Council/Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.

**Section 5.** The Council/Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;

**Section 6.** The Council/Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;

**Section 7.** The Council/Board will assure that the project is open for use by the public on an equal basis with no restrictions;

**Section 8.** The Council/Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;

**Section 9.** The Council/Board accepts responsibility for the operation and maintenance of the completed project.

**READ, APPROVED, AND ADOPTED** this 13<sup>th</sup> day of December, 2022.

ATTEST:

---

Olivia Stewman, Town Clerk

---

Mayor Carol C. Pritchett



**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Approval of Division of Water Resources Development Grant No Conflict of Interest Certification

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** E  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

The North Carolina Division of Water Resources offers a development grant that the Town of Lake Lure plans to apply for to help with funding the Morse Park Master Plan Phase I. The Town will submit an approved No Conflict of Interest Certification along with the grant application.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To approve the Division of Water Resources Development Grant No Conflict of Interest Certification.

**ATTACHMENTS:**

No Conflict of Interest Certification

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval of Division of Water Resources Development Grant No Conflict of Interest Certification.

**No Conflict of Interest Certification**

The Town of Lake Lure hereby certifies that, to the best of its knowledge and belief, there are no present or currently planned interests (financial, contractual, organizational, or otherwise) relating to the work to be performed as part of the Morse Park Master Plan Phase I project that would create any actual or potential conflicts of interest (or apparent conflicts of interest) for any of its employees, contractors, subcontractors, designees or other entities or individuals involved in the Morse Park Master Plan Phase I project (including conflicts of interest for immediate family members: spouses, parents, or children) that would impinge on its ability to render impartial, technically sound, and objective assistance or advice or result in it being given an unfair competitive advantage.

In this certification, the term "potential conflict" means reasonably foreseeable conflicts of interest. The Town of Lake Lure further certifies that it has and will continue to exercise due diligence in identifying and removing or mitigating, to the NC Department of Environmental Quality's satisfaction, any such conflict of interest (or apparent conflict of interest).

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Adoption of Ordinance No. 22-12-13 Amending the Town of Lake Lure Code of Ordinances, Chapter 30 (“Traffic and Vehicles”), Article III (“Parking Violations: Enforcement”), Section 30-26 (“Parking and use of Electric Vehicle Charging Stations”) and Section 30-63 (“Penalty”)

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** F  
**Department:** Police  
**Contact:** William Morgan, Town Attorney  
**Presenter:** William Morgan, Town Attorney

**BRIEF SUMMARY:**

Town Attorney William Morgan is recommending that the Town amend the Town Code to clarify that parking violations be treated as civil citations as opposed to misdemeanors, which the Town is not allowed to do, or infractions which involve the DA's office. Attorney Morgan suggests that by doing so, the Town can keep the civil penalties collected whereas charging them as infractions means that any fines collected must be turned over to the local Board of Education per the NC Constitution. Police Chief Humphries provided input and recommends that the fine for such citations stay around \$50. Chief Humphries also recommends that the Town not provide an appeal process to avoid any conflicts of interest caused by the size of the department. Attorney William Morgan drafted ordinance language based on his legal advice and the recommendations of Chief Humphries. At the November 30<sup>th</sup> work session meeting, Town Council reviewed the proposed amendments specified in Ordinance No. 22-12-13 and there was consensus of support for adoption.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Adoption of Ordinance No. 22-12-13 Amending the Town of Lake Lure Code of Ordinances, Chapter 30 (“Traffic and Vehicles”), Article III (“Parking Violations: Enforcement”), Section 30-26 (“Parking and use of Electric Vehicle Charging Stations”) and Section 30-63 (“Penalty”)

**ATTACHMENTS:**

Adoption of Ordinance No. 22-12-13 Amending the Town of Lake Lure Code of Ordinances, Chapter 30 (“Traffic and Vehicles”), Article III (“Parking Violations: Enforcement”), Section 30-26 (“Parking and use of Electric Vehicle Charging Stations”) and Section 30-63 (“Penalty”)

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Ordinance No. 22-12-13 and is in support of all recommendations from Attorney William Morgan and Police Chief Sean Humphries.

**ORDINANCE NO. 22-12-13**

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES, CHAPTER 30 (“TRAFFIC AND VEHICLES”), ARTICLE III (“PARKING VIOLATIONS: ENFORCEMENT”), SECTION 30-62 (“PARKING AND USE OF ELECTRIC VEHICLE CHARGING STATIONS”) AND SECTION 30-63 (“PENALTY”)**

**WHEREAS,** The Town of Lake Lure finds it appropriate to amend the Town of Lake Lure Code of Ordinance to clarify that parking violations be treated as civil citations; and

**WHEREAS,** The Town of Lake Lure legal staff has expressed objection for providing an appeal process for parking violations; and

**WHEREAS,** The Town of Lake Lure finds that amending Chapter 30, Article III, Section 30-62 and Section 30-63 is sensible and appropriate.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Section 30-62(d) is amended to read as follows:

(d) Enforcement. A violation of this section shall be enforceable pursuant to the procedures for penalties in section ~~30-68~~ 30-63.

**SECTION TWO.** Section 30-63 is amended to read as follows:

Sec. 30-63. - Penalty.

- (a) Any person, firm, or corporation violating any of the provisions of this article or failing or neglecting or refusing to comply with same, shall be issued a civil penalty citation in an amount not to exceed \$ 50 .00, as set by the Town Council, payable at the Lake Lure Town Hall within thirty (30) days of issuance. ~~upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50.00 or imprisonment not to exceed 30 days and~~ Each day that any of the provisions of this article are violated shall constitute a separate offense. Civil penalty citations become past due if not paid within thirty (30) calendar days of the issuance of the citation, and the offender shall be assessed an additional penalty of \$25.00 and thereafter, every 30 day period the citation remains will result in an additional assessment of \$50.00. Citations and corresponding late fee(s) that remain unpaid after 30 days of issuance may be recovered by the Town in a civil action in the nature of a debt.

**SECTION THREE.** All provisions of any town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION FOUR.** This Ordinance shall become effective upon adoption.

**READ, APPROVED, AND ADOPTED** this 13<sup>th</sup> day of December, 2022.

**ATTEST:**

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Carol Pritchett, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
William C. Morgan, Jr.  
Town Attorney

**IX**  
**UNFINISHED**  
**BUSINESS**

**A. Belt Press Discussion**

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: December 13, 2022**

**SUBJECT:** Belt Press Discussion

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** A  
**Department:** Public Services  
**Contact:** Dean Lindsey, Public Services Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

At the November 30<sup>th</sup> work session, Town Council was informed that the originally planned centrifuge project, which was initially estimated to cost \$800,000, had been increased to about \$1.9 million. Council held discussion in regard to the centrifuge and other viable options, such as renting or purchasing a belt press to maintain the wastewater treatment plant. Council requested that Public Services Director Dean Lindsey complete a cost analysis in regard to renting or purchasing and operating a belt press, which he has completed.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

N/A

**FUNDING SOURCE:**

General Fund/Capital Project Method

**ATTACHMENTS:**

Belt Press Cost-Analysis

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Town staff recommends postponing a decision in regard to the belt press and/or centrifuge until it is known whether or not the Town will receive additional American Rescue Plan Act (ARPA) funding.

## Belt Press Yearly Renta

2022

EXPENSES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR
<b>Treatment Plant</b>													
Belt Press Rental			\$19,500.00		\$19,500.00			\$19,500.00			\$19,500.00		\$78,000.00
Mobilization/Demobilization			\$5,000.00		\$5,000.00			\$5,000.00			\$5,000.00		\$20,000.00
4" Mobil Pump Rental			\$2,500.00		\$2,500.00			\$2,500.00			\$2,500.00		\$10,000.00
Town Provided Equipment			\$6,000.00		\$6,000.00			\$6,000.00			\$6,000.00		\$24,000.00
Manhours(2 personnel Monthly)			\$10,000.00		\$10,000.00			\$10,000.00			\$10,000.00		\$40,000.00
<b>Total</b>	\$0.00	\$0.00	\$43,000.00	\$0.00	\$43,000.00	\$0.00	\$0.00	\$43,000.00	\$0.00	\$0.00	\$43,000.00	\$0.00	\$172,000.00
<b>Sludge Charges</b>													
Roll Off Service and delivery			\$20,000.00				\$20,000.00			\$20,000.00			\$60,000.00
Land Fill Charges			\$30,000.00				\$30,000.00			\$30,000.00			\$90,000.00
<b>Total</b>	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$150,000.00
<b>TOTALS</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>YEAR</b>
Total expenses	\$0.00	\$0.00	\$93,000.00	\$0.00	\$43,000.00	\$0.00	\$50,000.00	\$43,000.00	\$0.00	\$50,000.00	\$43,000.00	\$0.00	\$322,000.00

## Belt Press 5 yr payoff

EXPENSES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR
<b>Treatment Plant</b>													
Belt Press(\$600,000.00)	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$120,000.00
Maintenance Equipment	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$12,000.00
Town Provided Equipment	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$18,000.00
Manhours(2 personnel 80hrs)	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$30,000.00
<b>Total</b>	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$180,000.00
<b>Sludge Charges</b>													
Roll Off Service and delivery	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$60,000.00
Land Fill Charges	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$90,000.00
<b>Total</b>	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$150,000.00
<b>TOTALS</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>YEAR</b>
Total expenses	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$27,500.00	\$330,000.00

## Belt Press After 5 yr pay

EXPENSES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR
<b>Treatment Plant</b>													
Belt Press(\$600,000.00)													\$0.00
Maintenance Equipment	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$12,000.00
Town Provided Equipment	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$18,000.00
Manhours(2 personnel 80hrs)	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$30,000.00
<b>Total</b>	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$60,000.00
<b>Sludge Charges</b>													
Roll Off Service and delivery	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$60,000.00
Land Fill Charges	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$90,000.00
<b>Total</b>	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$150,000.00
<b>TOTALS</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>YEAR</b>
Total expenses	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$210,000.00



## 10 Year Comparisons

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Sell off Equip.	YEAR
10 Year Rental												
10 year rental	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00	\$322,000.00		\$3,220,000.00
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031		YEAR
10 Year Ownership	\$349,992.00	\$349,992.00	\$349,992.00	\$349,992.00	\$349,992.00	\$210,000.00	\$210,000.00	\$210,000.00	\$210,000.00	\$210,000.00	-\$150,000.00	\$2,649,600.00

# NEW BUSINESS

- A. Hearing: Request to Appeal Denial of Lake Structure Variance Request #2022003
- B. Duke Energy Easement (Parcel #1649620)
- C. Drawdown Preparation Work
  - i. Jay Freeman
  - ii. Barge #2
- D. Designation of the Legislative Goals Biennium Voting Delegate

## **AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Hearing: Request to Appeal Denial of Lake Structure Variance Request #2022003

### **AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** A  
**Department:** Community Development  
**Contact:** Michael Williams, Community Development Director  
**Presenter:** Michael Williams, Community Development Director

### **BRIEF SUMMARY:**

During their November 15<sup>th</sup> meeting, the Lake Structure Appeals Board denied lake structure variance request #2022003. The requested variance was to keep a lake structure at 18' tall instead of conforming to the required 15' height limitation. The upland property is addressed at 179 Dogwood Dr., Lake Lure, NC (Parcel #1633621) and is located in the Residential 3 Zoning District. The property owner's engineering firm, Odom Engineering, has requested that an appeal of the variance denial take place at the next Council meeting. Per Code of Ordinances Section 6-62(i), "decisions of the lake structure appeals board shall be final unless appeal by the applicant or an affected property owner to the town council within 30 days of such decision. The town council shall hold a hearing on the record within 45 days of the appeal, and council's decision shall be final." Community Development Director Michael Williams provided Council with a brief background in regard to the appeal request during the November 30<sup>th</sup> Council work session meeting.

### **RECOMMENDED MOTION AND REQUESTED ACTION:**

To grant or deny the appeal of denial of Lake Structure Variance Request #2022003

### **ATTACHMENTS:**

Original Variance Application; Community Development Memorandum regarding LSAV-2022003; Order/Statement of Case; Request to Appeal Decision; Code of Ordinances Chapter 6 Article III Section 51(5); Code of Ordinances Chapter 6 Article III Section 62 (i)

### **STAFF'S COMMENTS AND RECOMMENDATIONS:**

Please see attached Community Development Memorandum for staff analysis and staff position.

**TOWN OF LAKE LURE  
LAKE STRUCTURES APPEALS BOARD  
APPLICATION FOR VARIANCE**

Application Fee: \$480.00 *rec'd 10/11/22*

Case No. LSAV-2022003

Approved by Lake Structure Appeals Board: _____	<i>Olivia Str</i>
Rejected by Lake Structure Appeals Board: <input checked="" type="checkbox"/> _____	Clerk _____
(see attached Order)	Date: <u>11/15/22</u>

**Please complete all three pages of this form.**

**APPLICANT:**

(Check one) Owner:  Agent: \_\_\_\_\_ (If applicant is not the owner, attach authorization to act as agent)

Name: MICHAEL HARRIS Date of Application: 10/10/2022

Name of Owner (if not applicant): \_\_\_\_\_

**PROPERTY:**

Upland property located at: 179 DOGWOOD DR., LAKE LURE, NC 28746

Map Page 528 Block 13 Lot 602 Current zoning RES Tax PIN 1633621

**VARIANCE REQUESTED:**

Section 6-51 of the lake structures regulations requires: lake structure shall not exceed 15 feet in height above the shoreline elevation of 990 feet MSL.

Variance requested: Additional 3 feet in height of the lake structure.

**JUSTIFICATION FOR VARIANCE:**

The constructed boat house is 18' high. Contractor was not aware of the height limitations on the boat house. The boat's towers and antennae heights were the primary concerns.

**AS PART OF THIS APPLICATION, PLEASE COMPLETE THESE STATEMENTS.**

*According to § 94.16 of the Lake Structures Regulations, the Lake Structure Appeals Board may, upon application, authorize in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the regulations is observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Lake Structure Appeals Board that certain conditions exist. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge.*

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. These conditions are:

N/A

Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located because:

The additional deck height will not affect the view to the lake of the neighbors.

A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located because:

N/A

The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare because:

The additional height will not deprive neighboring lot of the view of the lake since it is located in a cove/inlet and we have letters of support from neighbors.

The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

---

---

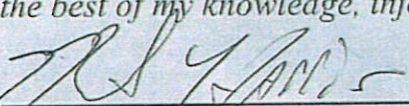
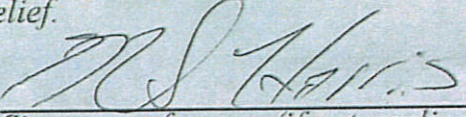
---

The variance requested is the minimum necessary for the proposed use of the land, building or structure. A lesser variance is not feasible because:

The boat house structure and boat lift are constructed and tied together structurally.

A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, is not grounds for the issuance of this variance.

*I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.*

	
Signature of applicant	Signature of owner (if not applicant)
<u>179 Dogwood Dr</u>	<u>Lake Lure, NC 28746</u>
Street or P.O.Box	Street or P.O.Box
<u>Lake Lure, NC 28746</u>	<u>Lake Lure, NC 28746</u>
City, State, Zip	City, State, Zip
<u>828-625-9314</u>	<u>828-625-9314</u>
Daytime telephone number	Daytime telephone number

- Application is not complete until all of the following items have been submitted:**
- Completed application
  - Application fee, including the amount required to send certified notice of public hearing to all adjacent property owners
  - Site plan, drawn to scale on either a survey or plat, clearly showing the following:
    - location of property lines
    - existing structures
    - proposed development
    - all setbacks in relation to property lines and development
    - area the variance will be affecting
    - any and all areas of environmental concern (wetlands, trout waters, etc.)
  - Building plans, certified by a licensed architect or engineer, drawn to scale, showing the existing and proposed development
  - Directions to property from Town Hall

**TOWN OF LAKE LURE**  
***Community Development Department***

---

MEMORANDUM

TO: Lake Structures Appeals Board  
FROM: Rick Carpenter: Development & Environmental Review Specialist  
DATE: November 15, 2022  
RE: LSAV-2022003

---

Michael Harris is requesting a variance to keep a lake structure at 18' tall instead of conforming to the required 15' height limitation. The upland property is addressed as 179 Dogwood Dr., Lake Lure, NC (Parcel #1633621) and is located in the Residential 3 Zoning District.

**Additional Information for the Board:**

- 1) Per §6-51, Design & Construction Standards, (5) Height: "Except as provided in subsection (5)b of this section, lake structures shall not exceed 15 feet in height above the shoreline elevation of 990 feet MSL."
- 2) The original lake structure was damaged in the summer of 2021 during a storm. This structure was under 15' in height, and code compliant.
- 3) A lake structure permit to reconstruct the covered boat slip was issued on 1/11/2022. The approved plans met the ordinance requirements for height (15').
- 4) Odom Engineering submitted an as-built survey and scheduled a final inspection for the project on 7/29/2022. Upon inspection, it was determined that the contractor/applicant deviated from the approved plans and constructed an 18' tall lake structure.
- 5) The applicant is seeking a 3' height variance for the covered boat slip.

**Staff Analysis:**

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

**Staff Position:** There are no conditions peculiar to the property that support or meet the hardship test related to the height of a lake structure. Therefore, it is the staff's position that no hardship exists.

See Attachment 3 for the applicant's response to the hardship caused by strict application of the ordinance.

- 2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

See Attachment 3 for the applicant's response concerning special privileges.

- 3) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

**Staff Position:** All lake structures located within the L-1 zoning district must conform to the 15' height requirement found in Section 6-51(5) of the Lake Structure Requirements. Therefore, a literal interpretation of the provisions within the chapter in question will not deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

See Attachment 3 for the applicant's response concerning the deprivation of rights.

- 4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

**Staff Position:** The intent of the ordinance is to maintain uniform guidance for all lake structures found within the L-1 district. Per the Ordinance: "The lake structure administrator will carefully examine plans submitted with any applications for a lake structure permit as described in section 6-49, to be sure that the plans meet the following provisions. Requests for variances must be made when the lake structure permit application is submitted." The applicant, and their contractor Odom Engineering, submitted plans that were thoroughly vetted and approved. These plans met the requirements of the ordinance, and any potential deviation should have gone before the Lake Structure Appeals Board before permitting and construction.

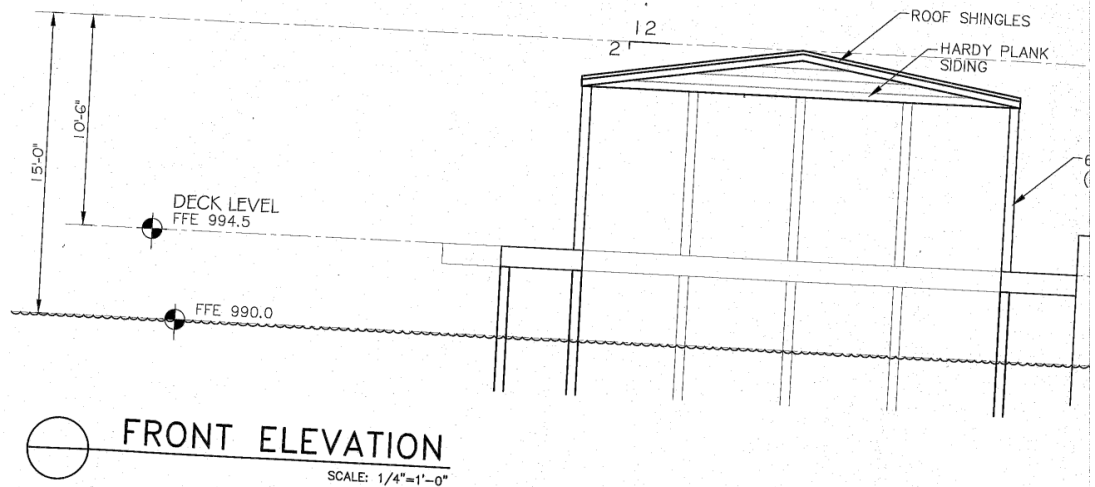
See Attachment 3 for the applicant's response concerning the purpose and intent of the ordinance.

- 5) The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

**Staff Position:** The special circumstances of this case are a direct result of the applicant and their contractor Odom Engineering. The applicant submitted plans that were thoroughly vetted and approved. During the construction process, the applicant/contractor deviated from the approved plans to create additional room for a boat antenna. This deviation was not disclosed to the Community Development Department. The applicant/contractor failed to follow the lake structure permit requirements; therefore, the hardship is self-created.



## Approved Plans



See Attachment 3 for the applicant's response concerning the special circumstances.

- 6) The variance requested is the minimum necessary for the proposed use of the land, building or structure. A lesser variance is not feasible because:

**Staff Position:** Staff do not see any justification for the applicant to be given rights not bestowed to other residents within the zoning district. The use of the structure can be satisfied with a height of 15'. The structure that was damaged in 2021 was code compliant and under 18' in height.

See Attachment 3 for the applicant's response concerning the minimum necessary variance.

### Staff Contact

Richard Carpenter, CZO, Development & Environmental Review Specialist, 828-625-9983 ext. 107

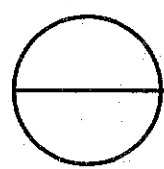
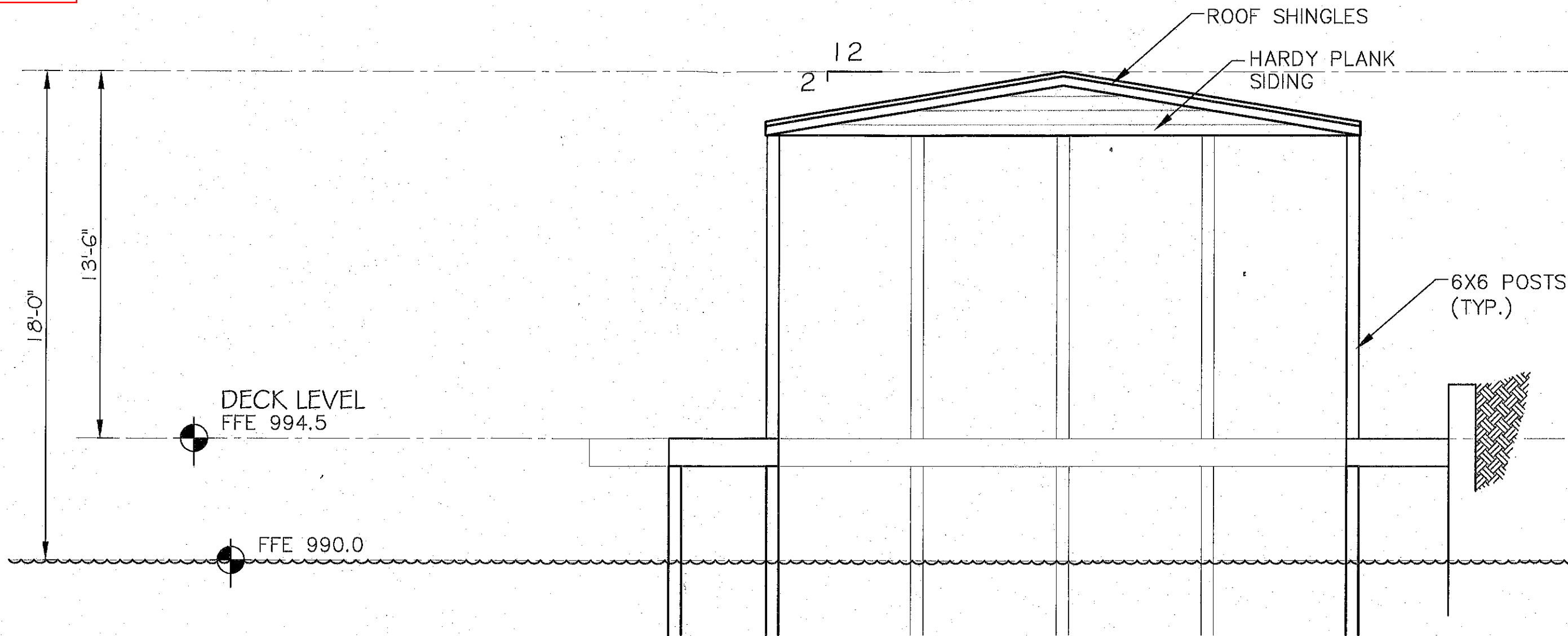
[rcarpenter@townoflakelure.com](mailto:rcarpenter@townoflakelure.com)

### Attachments

- 1) Approved Plans
- 2) Post Construction Site Plan
- 3) Application
- 4) Context Map

**P. O. Box 255, Lake Lure, NC 28746 ❖ Phone 828-625-9983, Ext. 117, Fax 828-625-8371**





# FRONT ELEVATION

SCALE: 1/4"=1'-0"

ROOF SHINGLES

ROOF SHINGLES

RECEIVED  
DATE 10/19/22  
BY [Signature]

TOWN OF LAKE LURE  
LAKE STRUCTURES APPEALS BOARD  
APPLICATION FOR VARIANCE

Application Fee: \$480.00

Rec'd 10/19/22

Case No. LSAV- 2022003

Approved by Lake Structure Appeals Board: _____	
Rejected by Lake Structure Appeals Board: _____	Clerk: _____
(see attached Order)	Date: _____

Please complete all three pages of this form.

**APPLICANT:**

(Check one) Owner:  Agent: \_\_\_\_\_ (If applicant is not the owner, attach authorization to act as agent)

Name: MICHAEL HARRIS Date of Application: 10/10/2022

Name of Owner (if not applicant): \_\_\_\_\_

**PROPERTY:**

Upland property located at: 179 DOGWOOD DR., LAKE LURE, NC 28746

Map Page 528 Block 13 Lot 602 Current zoning RES Tax PIN 1633621

**VARIANCE REQUESTED:**

Section 6-51 of the lake structures regulations requires: lake structure shall not exceed 15 feet in height above the shoreline elevation of 990 feet MSL.

Variance requested: Additional 3 feet in height of the lake structure.

**JUSTIFICATION FOR VARIANCE:**

The constructed boat house is 18' high. Contractor was not aware of the height limitations on the boat house. The boat's towers and antennae heights were the primary concerns.

**AS PART OF THIS APPLICATION, PLEASE COMPLETE THESE STATEMENTS.**

*According to § 94.16 of the Lake Structures Regulations, the Lake Structure Appeals Board may, upon application, authorize in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the regulations is observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Lake Structure Appeals Board that certain conditions exist. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge.*

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. These conditions are:

N/A

Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located because:

The additional deck height will not affect the view to the lake of the neighbors.

A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located because:

N/A

The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare because:

The additional height will not deprive neighboring lot of the view of the lake since it is located in a cove/inlet and we have letters of support from neighbors.

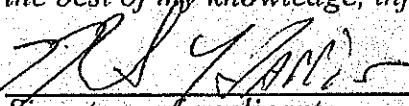

The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

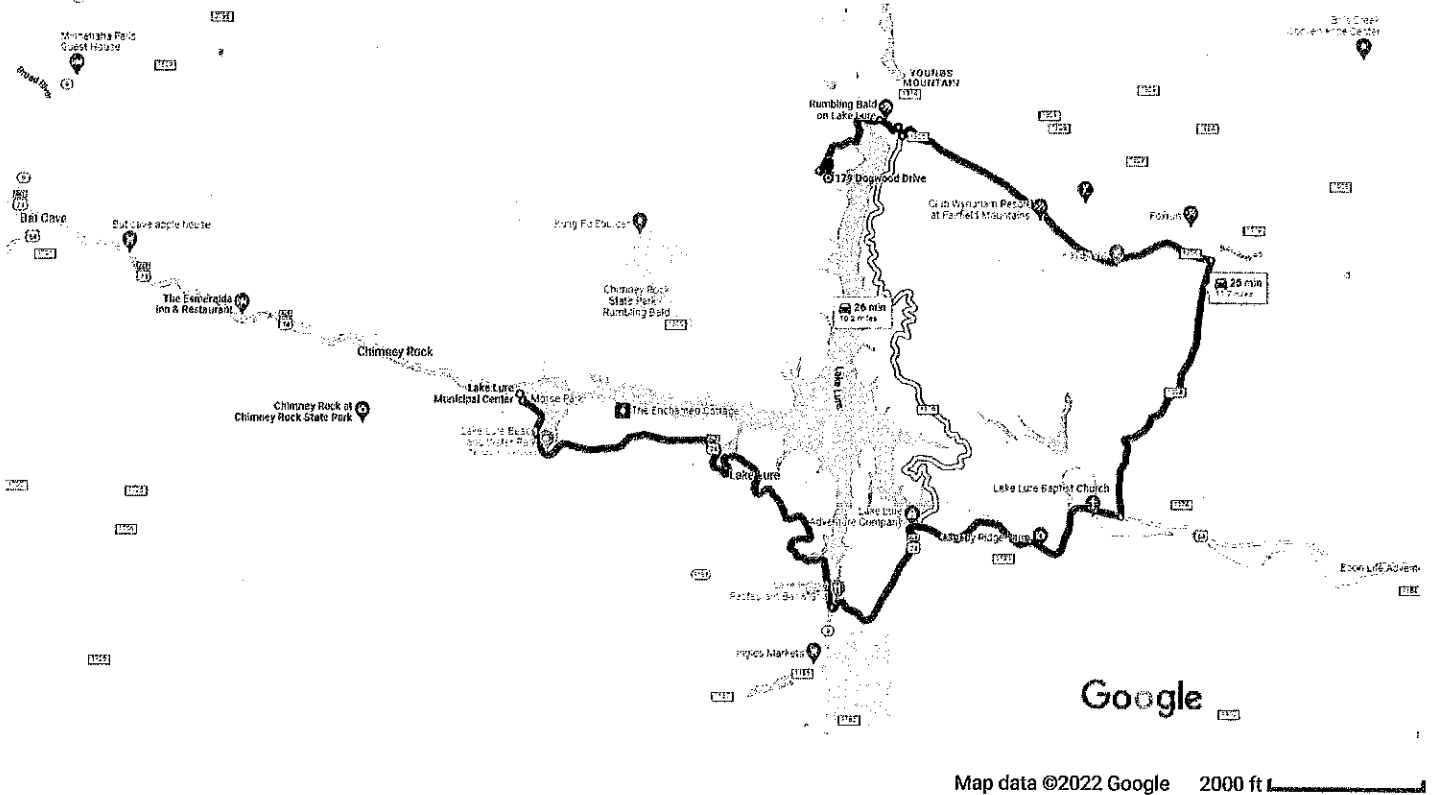
The variance requested is the minimum necessary for the proposed use of the land, building or structure. A lesser variance is not feasible because:

The boat house structure and boat lift are constructed and tied together structurally.

A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, is not grounds for the issuance of this variance.

<i>I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.</i>	
	
Signature of applicant	Signature of owner (if not applicant)
<u>179 Dogwood Dr</u>	<u>Lake Lure, NC 28746</u>
Street or P.O. Box	Street or P.O. Box
<u>Lake Lure, NC 28746</u>	<u>Lake Lure, NC 28746</u>
City, State, Zip	City, State, Zip
<u>828-625-9314</u>	<u>828-625-9314</u>
Daytime telephone number	Daytime telephone number

- Application is not complete until all of the following items have been submitted:**
- Completed application
  - Application fee, including the amount required to send certified notice of public hearing to all adjacent property owners
  - Site plan, drawn to scale on either a survey or plat, clearly showing the following:
    - \_\_\_\_\_ location of property lines
    - \_\_\_\_\_ existing structures
    - \_\_\_\_\_ proposed development
    - \_\_\_\_\_ all setbacks in relation to property lines and development
    - \_\_\_\_\_ area the variance will be affecting
    - \_\_\_\_\_ any and all areas of environmental concern (wetlands, trout waters, etc.)
  - Building plans, certified by a licensed architect or engineer, drawn to scale, showing the existing and proposed development
  - Directions to property from Town Hall



**Lake Lure Municipal Center**  
2948 Memorial Hwy, Lake Lure, NC 28746

**Follow Morse Park Trail to US-64 E/US-74 ALT E**

- 19 s (256 ft)
- ↑ 1. Head south on Morse Park Trail
- 174 ft
- ↪ 2. Turn right to stay on Morse Park Trail
- 82 ft

**Follow US-64 E/US-74 ALT E to Bills Creek Rd**

- 13 min (6.4 mi)
- ↶ 3. Turn left onto US-64 E/US-74 ALT E
- ① Pass by ABC Store (on the left in 0.6 mi)
- 3.7 mi
- ↶ 4. Slight left to stay on US-64 E/US-74 ALT E
- 2.7 mi

**Continue on Bills Creek Rd. Take Buffalo Creek Rd to Dogwood Dr in Lake Lure**

- 12 min (5.2 mi)
- ↶ 5. Turn left onto Bills Creek Rd
- 1.9 mi

- ↶ 6. Turn left onto Buffalo Creek Rd  
2.4 mi
- ↷ 7. Turn right to stay on Buffalo Creek Rd  
338 ft
- ↶ 8. Turn left onto Mountains Blvd  
0.2 mi
- ↶ 9. Turn left onto Quail Ridge Blvd  
0.7 mi
- ↶ 10. Turn left onto Dogwood Dr  
① Destination will be on the right  
433 ft

179 Dogwood Dr  
Lake Lure, NC 28746





**STATE OF NORTH CAROLINA  
RUTHERFORD CO**

**BEFORE THE LAKE LURE  
LAKE STRUCTURE APPEALS BOARD  
CASE NO. LSP\_2022003**

In the Matter of the Variance )  
Application of MICHAEL HARRIS )  
(179 Dogwood Drive) )  
\_\_\_\_\_ )

**ORDER**

**STATEMENT OF THE CASE**

THIS CAUSE came for hearing before the Lake Lure Lake Structure Appeals Board during the Board's regularly scheduled meeting beginning at 1:30 p.m., November 15, 2022, on the Application for a Variance, by the applicant Michael Harris, requesting a variance to keep a lake structure re-built at height of 18', thus requesting an increase of the maximum allowed height from 15' to 18'. The variance request affects the property located at 179 Dogwood Drive in Lake Lure, NC. The property tax pin is 1633621.

The members of the Lake Structure Appeals Board sitting for the hearing were:

Vice-chair Wyn Hardy  
Greg Gardner  
Kimberly Sayles  
Mark Windfeldt  
Rick Spruill

The following witnesses were sworn and provided testimony:

Mike Williams, Lake Lure Community Development Director  
Michael Harris, Property Owner  
Shannon Harris, Property Owner  
Dave Odom, engineer representative for Michael Harris (Odom Engineering)  
Larissa Coles, engineer representative for Michael Harris (Odom Engineering)

**TESTIMONY**

Testimony in this case is accurately reflected in the meeting minutes of November 15<sup>th</sup>, 2022.

**FINDINGS OF FACT**

- 1) The Lake Structure Appeals Board has jurisdiction to hear applications for lake structure variances.
- 2) Proper notice of the meeting and hearing of the Lake Structure Appeals Board were provided as required by Town ordinances and state law.

- 3) The lake structure in question is a covered boat slip and lift that replaced an existing covered boat slip that was 15' high. A lake structure permit to reconstruct the covered boat slip was issued on January 11, 2022. The approved plans met the ordinance requirements for height (15')
- 4) Per Section 6-51(5)a of the Town of Lake Lure Code of Ordinances states "Except as provided in subsection (5)b of this section, lake structures shall not exceed 15 in height above the shoreline elevation of 990 feet MSL." Subsection (5)b applies only to accessory structures erected above a rooftop deck.
- 5) Odom Engineering submitted an as-built survey and scheduled a final inspection for the project on July 29, 2022. Upon inspection it was determined that the contractor/applicant deviated from the approved plans and constructed an 18' tall lake structure.
- 6) The applicant is seeking a 3' height variance for the covered boat slip.
- 7) Staff received a letter and an email in support of the variance from two non-adjacent property neighbors.
- 8) In the variance application submitted to the Board by the applicant, in the space provided to describe justification for variance, the applicant states: "The constructed boat house is 18' high. Contractor was not aware of the height limitations on the boat house. The boat's towers and antennae heights were the primary concerns." At the hearing, the applicant stated that he made a mistake and was seeking leniency from the board to grant the variance and no refutation of the approved 15' height plans was made. Therefore, the applicant failed to meet his burden of proof for showing how an unnecessary hardship would result from the application of the ordinance.

BASED UPON THE FOREGOING FINDINGS OF FACT, the Lake Structure Appeals Board by a 5 to 0 vote concludes that the application for a variance be denied and makes the following:

### **CONCLUSIONS**

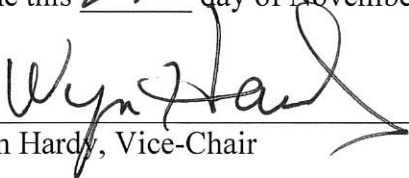
The Board enters the following conclusions of law:

- 1) That there are no extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- 2) Granting the requested variance would confer upon the applicant special privileges that are denied to other residents.

- 3) A literal interpretation of the provisions of this chapter would not deprive the applicant of rights commonly enjoyed by other residents.
- 4) The requested variance is not in harmony with the purpose and intent of the Town's Lake Structure ordinance.
- 5) The special circumstances are the result of the actions of the applicant as a result of building the structure 3' higher than both his approved plans and the Town's maximum building height.

IT IS NOW, THEREFORE ORDERED, that the Application by Michael Harris for a Variance, dated October 10, 2022, is hereby DENIED.

Done this 23<sup>rd</sup> day of November, 2022

  
\_\_\_\_\_  
Wyn Hardy, Vice-Chair

**If you are dissatisfied with this decision of the Lake Structure Appeals Board, an appeal may be taken to the Town Council of Lake Lure within 30 days of this decision. See Section 6-62(i), Appeals of Decisions of the Board, in the Town of Lake Lure Code of Ordinances.**

---

**From:** Emma Barden  
**Sent:** Tuesday, November 15, 2022 2:43 PM  
**To:** Michael Williams  
**Subject:** Town Council Meeting

Hi Mike,

Good afternoon. May we request to be in the next schedule for the Town Council meeting for Harris' Boat House Variance. What documents so we need to submit prior to that?

Thanks,

\*\*\*\*\*

**Emma Barden**

**Odom Engineering, PLLC**

[https://linklock.titanhq.com/analyse?url=http%3A%2F%2Fwww.odomengineering.com&data=eJxLtjUzskxLNDI2STY0STRXS7EtyS\\_Py0\\_LScxOzSktStV\\_Lzs9Vy7U183R2N\\_b1DAq1yYhSK7ZNzc1NVDUxyE\\_Jz03NS8\\_MS00tysxLB6stsvUNz8zJyUzMLQaqwGJYqW1GSUmBqrGiqpEbEJWXI-thMQcAWiU0\\_A%2F](https://linklock.titanhq.com/analyse?url=http%3A%2F%2Fwww.odomengineering.com&data=eJxLtjUzskxLNDI2STY0STRXS7EtyS_Py0_LScxOzSktStV_Lzs9Vy7U183R2N_b1DAq1yYhSK7ZNzc1NVDUxyE_Jz03NS8_MS00tysxLB6stsvUNz8zJyUzMLQaqwGJYqW1GSUmBqrGiqpEbEJWXI-thMQcAWiU0_A%2F)

169 Oak Street, Forest City, NC 28043

Tel. # 828-247-4495 ext. 19

<https://airamrodavlas.wixsite.com/emmabarden>

\*\*\*\*\*

*"This message is for the designated recipient only and may contain privileged, proprietary, or otherwise private information."*

- (3) No portion of any structure shall be located closer than 15 feet to any side lot line, as projected into the lake. The projection of the lot line shall be a straight line on the same bearing as the lot line and shall extend no further than 30 feet or one third the distance to the opposite shore. This provision does not apply to sea walls.
- (4) Handrails should be constructed in such a way so as not to interfere with boaters' visibility.
- (5) Height.
  - a. Except as provided in subsection (5)b of this section, lake structures shall not exceed 15 feet in height above the shoreline elevation of 990 feet MSL. This does not include the additional height of railings (no greater than 42 inches) around a rooftop deck. As actual lake levels may vary, establishing the 990 MSL on any particular day can be achieved by calling the town hall for the lake level reading at the dam on that day. The maximum allowable height of structures above the shoreline elevation can then be calculated. As an example, if the lake level is one foot below 990 MSL, then the maximum allowable height is 16 feet above the actual level of the lake on that particular day.
  - b. Accessory structures to be used for protection from direct sun and rain may be erected above rooftop decks provided they meet the following standards and are approved by the lake structures appeals board.
- (6) Decktop accessory structures guidelines:
  - a. Shall not exceed a height of ten feet above the surface of the rooftop deck. Thus, the maximum allowable height of any lake structure that includes a decktop accessory structure is 25 feet.
  - b. Shall not exceed 50 percent of the area of the rooftop deck or 150 square feet, whichever is less.
  - c. Shall be completely open on all sides except for partial walls not more than 42 inches in height above the surface of the rooftop deck and insect screens.
  - d. Shall be located abutting the shoreward end of the rooftop deck and not extend towards the lake beyond the midpoint of the deck.
  - e. Shall not include any sanitary facilities.
  - f. May include one storage container not more than 42 inches in height to store deck furnishings.
- (7) Decktop accessory structures shall be approved by the lake structures appeals board upon a finding that the structures meet the standards in this subsection and that they do not materially obstruct the view of the lake from any adjacent or nearby properties.
- (8) Materials of construction for pilings shall include reinforced concrete, hot dipped galvanized steel, aluminum, or pressure-treated wood, provided railroad ties and other wood treated with creosote or similar material shall not be allowed. Anchorages for floating docks and piers shall be of galvanized steel cables or the equivalent secured to reinforced concrete anchorage on the lake bottom and/or to steel anchor piles in firm ground on shore. Alternate materials may be approved if specified by a licensed engineer or architect and does not pose an environmental threat.
- (9) The town exercises no jurisdiction or control over the design of structures to be built over the lake, but strongly urges that the design of lake structures be architecturally compatible with that of the residence on the adjoining upland lots.
- (10) Any sewage or wastewater systems installed in or on lake structures must meet state and local codes.
- (11) No lake structure shall be designed, constructed or used as temporary or permanent living quarters.

- (3) *Public record of decisions.* The decisions of the board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times.
- (i) *Appeals of decisions of the board.* Decisions of the lake structure appeals board shall be final unless appealed by the applicant or an affected property owner to the town council within 30 days of such decision. The town council shall hold a hearing on the record within 45 days of the appeal, and council's decision shall be final.
- (j) *Fees for applications and appeals.* The fee for an application for a variance or other matter regulated by this article, or for an administrative appeal shall be determined by resolution of the town council and shall be payable to the town.

(Code 1989, § 94.16; Ord. of 5-12-2009; Ord. of 11-12-2013)

### **Sec. 6-63. Injunctive relief.**

- (a) In the event any lake structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or used in violation of these regulations, the lake structure administrator or any other appropriate town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.
- (b) Whenever the town council has reasonable cause to believe that any person is violating or threatening to violate this article or any rule or order adopted or issued pursuant to this article, or any term, condition, or provision of an approved lake structure permit, it may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the town for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county.
- (c) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed in section 6-65 for violations of this article.

(Code 1989, § 94.17; Ord. of 4-12-2005; Ord. of 8-14-2007; Ord. of 4-12-2011)

### **Sec. 6-64. Inspections and investigations.**

- (a) *Inspection.* The lake structure administrator or a designee will periodically inspect lake structures to ensure compliance with this article, or rules or orders adopted or issued pursuant to this article. Notice of the right to inspect shall be included in the certificate of approval of each lake structure permit.
- (b) *Willful resistance, delay or obstruction.* No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the town while that person is inspecting or attempting to inspect a lake structure under this article.
- (c) *Notice of violation.* If it is determined that a person engaged in activities in violation of this article, or rules, or orders adopted or issued pursuant to this article, a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. 1A-1, rule 4. The notice shall specify a date by which the person must comply with this section, or rules, or orders adopted pursuant to this article, and inform the person of the actions that need to be taken to comply with this article, or rules, or orders adopted pursuant thereto. However no time period for compliance need be given for failure to submit a lake structure permit application for approval or for obstructing, hampering, or interfering with an authorized

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Duke Energy Easement (Parcel #1649620)

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** B  
**Department:** Community Development  
**Contact:** Michael Williams, Community Development Director  
**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Duke Energy has contacted Town staff with a request to enter an easement agreement related to Town owned Parcel #1649620, located on the water tower property off of Island Creek Road and North Carolina Highway 9. Duke Energy has a long-term lease with the Town for their antennae located on the water tower. As a result of current updates being made to the antennae by Duke, their team has determined that an easement agreement is necessary. Various Town staff, along with the Town Attorney, have reviewed the proposed easement agreement and there were no issues found in their review.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To approve the of the authorization to execute and sign the proposed easement agreement with Duke Energy in relation to Parcel #1649620.

**ATTACHMENTS:**

Proposed Easement Agreement; Site Map

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff has reviewed the proposed easement agreement and recommends council approval of the authorization to execute the agreement.



Prepared by: Duke Energy Carolinas, LLC  
Return to: Duke Energy Carolinas, LLC  
Attn: Drew Kirkpatrick  
P.O. Box 1023  
Clyde, NC 28721

Parcel # 1649620

### EASEMENT

State of North Carolina

County of Rutherford

THIS EASEMENT (“**Easement**”) is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, from **TOWN OF LAKE LURE**, a municipal corporation (“**Grantor**”, whether one or more), to **DUKE ENERGY CAROLINAS, LLC**, a North Carolina limited liability company (“**Grantee**”).

Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, “**Facilities**”).

Grantor is the owner of that certain property described in that instrument recorded in Deed Book 153 \_\_\_\_\_ 356, Rutherford County Register of Deeds (“**Property**”).

The Facilities shall be underground, except as needed on or above the ground to support the underground Facilities, and located in, upon, along, under, through, and across a portion of the Property within an easement area described as follows:

A strip of land twenty feet (20’) in uniform width, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10’) wide on all sides of the foundation of any Grantee enclosure/transformer, vault and/or manhole, (hereinafter referred to as the “**Easement Area**”).

*For Grantee’s Internal Use:*  
Work Order #: 46453585

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.
3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantee shall have the right to install necessary guy wires and anchors extending beyond the boundaries of the Easement Area.
5. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
6. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
7. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
8. The rights granted in this Easement include the right to install Facilities wherever needed on the Property to serve future development on the Property and neighboring lands. Portions of the Facilities may be installed immediately and other portions may be installed in the future as the need develops. Facilities installed in the future shall be installed at locations mutually agreeable to the parties hereto if they are to be located outside of the Easement Area. Upon any future installations of Facilities at mutually agreed locations, the Easement Area shall be deemed to include such future locations at the widths defined in this Easement.
9. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**TOWN OF LAKE LURE**  
a municipal corporation

\_\_\_\_\_  
Carol Pritchett, Mayor (SEAL)

Attest:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, State of \_\_\_\_\_, certify that Olivia Stewman personally appeared before me this day and acknowledged that he/she is Town Clerk of TOWN OF LAKE LURE, a municipal corporation, and that by authority duly given and as the act of said corporation, the foregoing EASEMENT was signed in its name by its Mayor, sealed with its official seal, and attested by herself/himself as its Interim Town Manager.

Witness my hand and notarial seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



Notary Public: \_\_\_\_\_

Commission expires: \_\_\_\_\_

Work Order  
46453585

Parcel 1649621  
Rutherford County

Existing Duke  
lines overhead

Water Tower

Lake  
Lure

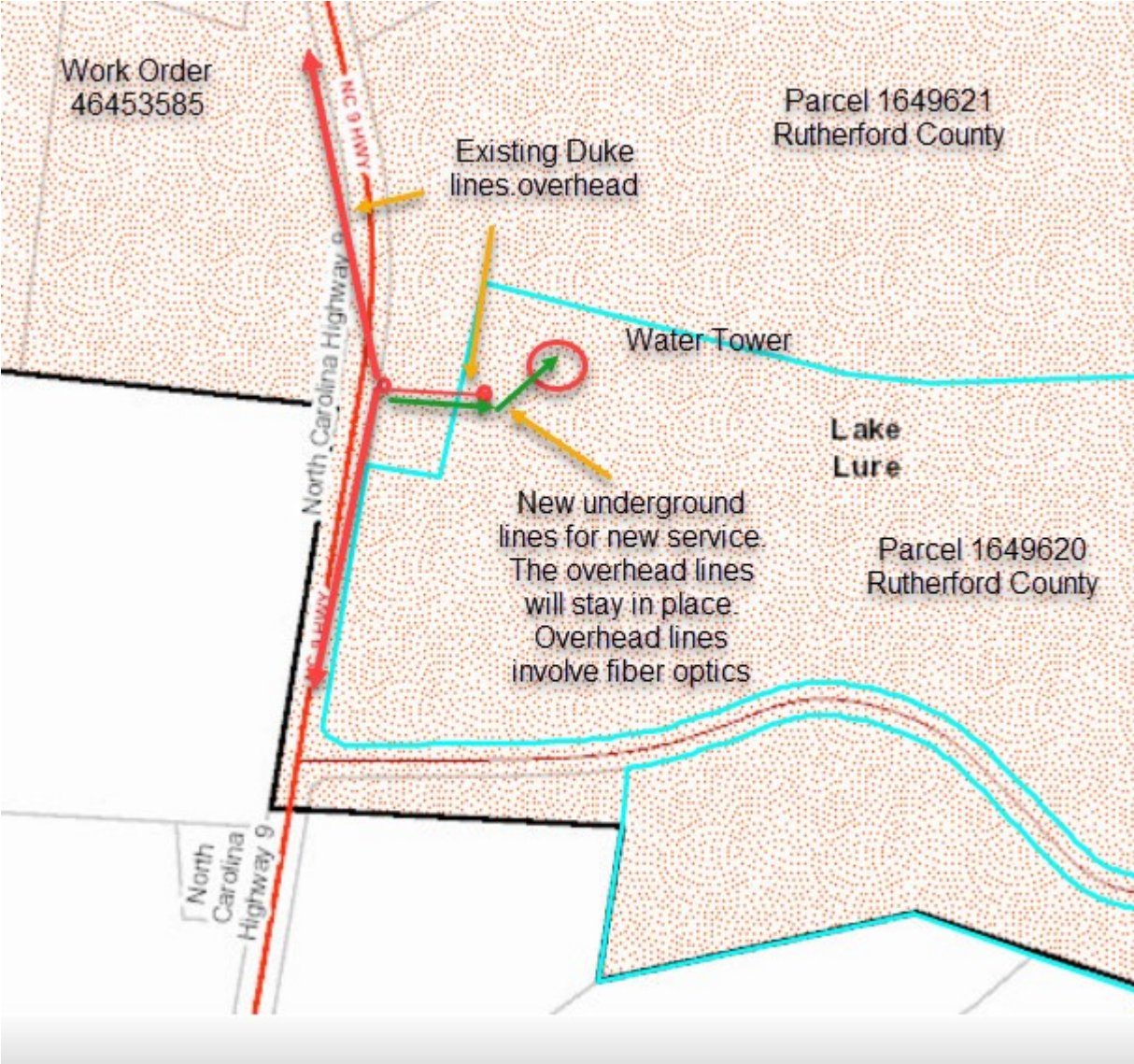
New underground  
lines for new service.  
The overhead lines  
will stay in place.  
Overhead lines  
involve fiber optics

Parcel 1649620  
Rutherford County

North  
Carolina  
Highway 9

North Carolina Highway 9

AMH 6 DN



**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: December 13, 2022**

**SUBJECT:** Lake Drawdown Preparation Work  
i. Jay Freeman  
ii. Additional Barge

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C  
**Department:** Public Services  
**Contact:** Dean Lindsey, Public Services Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

Town staff is diligently preparing for the upcoming lake drawdown. Following several meetings and discussions, there are two items in relation to the drawdown that require input from Town Council:

- i. Ruby-Collins will be utilizing Jay Freeman's property as a launch site for work barges. Mr. Freeman has been contacted and, in return, it has been determined that Mr. Freeman desires to complete a variety of tasks for the Town during the drawdown period.
- ii. Following a meeting with Ruby-Collins on December 8<sup>th</sup>, it was determined that the Town has a necessity to purchase Additional Barges, Fuel tanks, Crane Mats, and ramps. The Additional Equipment and materials would be approximately \$250,000

**RECOMMENDED MOTION AND REQUESTED ACTION:**

Any recommended motions will be determined following discussion during the meeting.

**FUNDING SOURCE:**

General Fund/Capital Project Method

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

After consultation with Ruby-Collins during a pre-drawdown planning meeting, it has been decided that the Town has additional barge needs for the job and the Town is recommending to work with Jay Freeman to perform certain tasks related to the work being performed by Ruby-Collins in Sunset Cove.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: December 13, 2022**

**SUBJECT:** Designation of the Legislative Goals Biennium Voting Delegate

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

Per the North Carolina League of Municipalities:

“The League’s member-driven legislative goals development process coincides with the start of each new legislative biennium. During even-numbered years, members come together to submit their legislative goals and priorities. Over the last few months, the Legislative Policy Committee has been considering these ideas and will present its recommendations to the Board of Directors this month. The Board will refine the position further before sending them to the full League membership for a final vote. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels.”

“Each member municipality is eligible to cast a single vote in this goal setting process. Each member municipality shall designate one voting delegate who is responsible for casting the municipality's vote.”

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To designate \_\_\_\_\_ as the Legislative Goals Biennium Voting Delegate.

**ATTACHMENTS:**

NCLM 2023-2024 Biennium Legislative Goals / Designate Your Municipality’s Voting Delegate  
Legislative Bulletin

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

Town staff recommends designation of an elected official as the Legislative Goals Biennium Voting Delegate.

# Legislative Bulletin

Dec. 9, 2022 | [nclm.org](http://nclm.org)

## 2023-2024 Biennium Legislative Goals | Designate Your Municipality's Voting Delegate

The League's member-driven legislative goals development process coincides with the start of each new legislative biennium. During even-numbered years, members come together to submit their legislative goals and priorities. Over the last few months, the Legislative Policy Committee has been considering these ideas and will present its recommendations to the Board of Directors this month. The Board will refine the position further before sending them to the full League membership for a final vote. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels.

### Identify Your Municipality's Voting Delegate

Each member municipality is eligible to cast a single vote in this goal setting process. Each member municipality shall designate one voting delegate who is responsible for casting the municipality's vote. Take action NOW to designate your municipality's voting delegate by following this link:

[Designate your voting delegate here.](#)

### Voting delegates must be designated by Thursday, Jan. 12, 2023.

- The designated voting delegate shall receive their credentials and voting instructions.
- The designated voting delegate shall vote on the proposed Legislative Goals package electronically.
- The Legislative Goals will be shared with the membership electronically following the voting period.

The League is grateful to the 65-member legislative policy committee and its two co-chairs, Mayor Melinda Bales of Huntersville and Mayor Lynda Sossamon of Sylva for their hard work and many meetings over the past months.

For questions, please contact Derrick Applewhite, [dapplewhite@nclm.org](mailto:dapplewhite@nclm.org), 919-715-1229.

---

# XI

## CLOSED SESSION

*In accordance with G.S. 143-318.11 (a) (3) for attorney client privilege or legal claims.*



**XII**  
**ADJOURNMENT**